

# Declarations in the Case of Cory Spencer v. Lunada Bay Boys

January 12, 2017

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# 1 john macharg

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 19 REED, and COASTAL PROTECTION  
 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 28 corporation,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JOHN  
 MACHARG IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017



1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

Defendants.

Time: 10:00 a.m.  
Crtrm.: 10C

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

15 I, John MacHarg, declare as follows:

16 1. I have personal knowledge of the facts set forth herein, except  
17 as to those stated on information and belief and, as to those, I am informed  
18 and believe them to be true. If called as a witness, I could and would  
19 competently testify to the matters stated herein.

20 2. I was born and raised in Palos Verdes Estates and attended  
21 Lunada Bay Elementary through Palos Verdes High School. I moved away  
22 from the Lunada Bay area in 1999 and currently reside in Ventura with my  
23 wife and child.

24 3. I surfed Lunada Bay regularly from the sixth grade until the  
25 present. Although a regular at Lunada Bay, growing up I did not have a  
26 desire to be a part of that culture because it involved a lot of heavy drinking,  
27 and to a lesser extent the use of drugs and other illegal activities. I just  
28 wanted to surf and enjoy the ocean.

1           4.     After moving away from Lunada Bay I visited the area less  
2 frequently. I noticed as time passed that my presence went from being  
3 tolerated to being un-tolerated in many cases.

4           5.     I was surfing Lunada Bay the morning of Jan. 29, 2016. The  
5 waves were big and my surfboard leash broke. My surfboard drifted to shore  
6 by the rocks near the patio. When I reached my board, David Melo walked  
7 down the patio stairs and immediately started harassing me by making  
8 statements like "You only come around here when the waves are good." I  
9 responded by telling David that he had no right to question how or when I  
10 surf the Bay and that localism in general was wrong headed, unfair and  
11 illegal. At that point, Sang Lee butted in and began to argue with me. I told  
12 Sang that Lunada Bay was public property and did not belong to him. Sang  
13 poured out a portion of the beer that he was holding onto my head. I asked  
14 Sang if he was trying to start a fight and said "There is a cop right here."  
15 Sang replied "It's just beer." There were several officers on the patio deck  
16 and one was observing from just a few feet to my right while I argued with  
17 Sang and David. This prompted me to send an email to Chief Kepley  
18 regarding what I considered to be a major problem at Lunada Bay – alcohol  
19 consumption. Attached as **Exhibit "1"** to this declaration is a copy of the  
20 email sent to Chief Kepley and the response that I received from Mark  
21 Valez.

22           6.     A couple of weeks later, I returned to surf Lunada Bay. I  
23 immediately began receiving push back over the opinions that I had  
24 expressed weeks before. After I was in the lineup, Alan Johnston aka Jalian  
25 Johnston was the first to paddle over and start harassing me. Johnston is  
26 one of the more aggressive individuals out there and made many unsolicited  
27 comments. I responded by stating "it is a public beach" and that localism is  
28 unfair and illegal. In response, Johnston said: "I don't know what hippy

1 commune you're from." Johnston told me how sacred the place was and  
2 how outsiders should not be allowed. Johnston then started to threaten me  
3 stating: "What you are saying makes me want to twist your head off."

4 7. Having watched the localism issue over the years, I am  
5 frustrated and discouraged by the way the City of Palos Verdes Estates and  
6 the police have handled it. Until just recently, City officials have publicly  
7 stated that the Bay Boys and localism were an "urban legend." I believe if  
8 they enforced the ban on alcohol most of those guys would not show up to  
9 go surfing. I would like to be able to visit Lunada Bay to surf without fear of  
10 physical and verbal attack or the hassle of dealing with the Bay Boy bullies.  
11 I would like to be able to visit the Lunada Bay bluff, shoreline, and water to  
12 explore and surf without the fear of my property being vandalized. I want the  
13 Bay Boys and other locals to be barred from using this beach for sufficient  
14 time to change attitudes and to give access to the beach back to the public.

15 8. I want the City of Palos Verdes Estates to enforce its ordinances  
16 fairly and for it to provide signage so people will know Lunada Bay is a  
17 public beach. I want the City of Palos Verdes Estates to improve amenities  
18 in a fashion that makes it safer, provides improved access to all beachgoers,  
19 and is both consistent with this rural spot, the California Coastal Act, and  
20 state and federal law. For example, access trails to the shoreline should be  
21 clearly marked to make it safer for people visiting to navigate down to the  
22 shoreline. And no person should be allowed to block the access trails or to  
23 intimidate visitors on the bluff top, on the shoreline, or in the water. I want  
24 Palos Verdes Estates police to be available to help when people are  
25 unlawfully excluded. In short, I want to be able to visit Lunada Bay without  
26 being harassed. And if I am harassed, I want the City of Palos Verdes  
27 Estates police to take my complaints seriously.

28 ///

1 I declare under penalty of perjury under the laws of the United States  
2 of America that the foregoing is true and correct.

3 Executed in Ventura, California on December 28, 2016.

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6 JOHN MACHARG  
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# Exhibit 1

To: John MacHarg  
Cc: Jeff Kepley  
Subject: RE: Alcohol Consumption

It would be considered a battery. Mark

From: John MacHarg [mailto:johnmacharg@gmail.com]  
Sent: Monday, February 01, 2016 3:00 PM  
To: Mark Velez <Mvelez@pvestates.org<mailto:Mvelez@pvestates.org>>  
Cc: Jeff Kepley <jkepley@pvestates.org<mailto:jkepley@pvestates.org>>  
Subject: RE: Alcohol Consumption

We had a had a verbal disagreement and he spilled some beer on me. Prosecution for what?

John

From: Mark Velez [mailto:Mvelez@pvestates.org]  
Sent: Monday, February 01, 2016 2:33 PM  
To: John MacHarg  
Cc: Jeff Kepley  
Subject: RE: Alcohol Consumption



I'm sorry to hear about your incident. I will pass this information on to the Supervisors. If you would like to make a crime report about your incident, which will allow us to seek prosecution, please let me know and I can arrange a time for you to talk to an officer. Mark

From: John MacHarg [mailto:johnmacharg@gmail.com]  
Sent: Monday, February 01, 2016 2:29 PM  
To: Mark Velez <Mvelez@pvestates.org<mailto:Mvelez@pvestates.org>>  
Cc: Jeff Kepley <jkepley@pvestates.org<mailto:jkepley@pvestates.org>>  
Subject: RE: Alcohol Consumption

Dear Mark,

On Friday, I was standing just under the patio on the rocks arguing up at Sang Lee (local surfer/enforcer) who was standing on top of the patio wall over me. As we argued, Sang poured out a portion of the beer he was holding on to my head. I protested the act and asked Sang if he was trying to pick a fight with me. This happened right in front two officers that were standing 6 feet to my right watching us argue. My point is that the beer was everywhere on the patio that day and it always is. The officers may have had good reason to let the drinking go on in hopes of getting a better arrest, but the drinking significantly contributes to the problem. Many of those guys wouldn't even show up if they couldn't drink down there, and the ones who remained would be more sober in their actions. That's just my opinion, but if you have any questions please feel free to contact me.

Regards,

John

Ps. If you make an arrest and get a conviction, please ask the judge to bar the offender from visiting the Bay. This happened to a local surfer/enforcer in Oxnard many years ago, and it really seemed like poetic justice.

From: Mark Velez [mailto:Mvelez@pvestates.org]  
Sent: Monday, February 01, 2016 10:26 AM  
To: johnmacharg@gmail.com<mailto:johnmacharg@gmail.com>  
Subject: Alcohol Consumption

Hello Mr. MacHarg, my name is Mark Velez and I oversee the patrol division at the PVEPD. Chief Kepley forwarded me your email, and I looked into the situation this morning. We do not approve of, or allow, drinking along the cliff, or at the beach, as it violates the municipal code. I have talked with the supervisor on the shift and he informed me that one officer did not see alcohol being consumed. Two other officers working together said they saw alcohol but were busy with handling a disturbance call involving two people, likely to result in an arrest, so they were unable to address the alcohol issue. Since police often do not see all violations, often due to people hiding their illegal activity, if you happen to witness drinking, or other illegal activity, feel free to call the department at 310-378-4211 and we will respond to investigate and take appropriate action. Mark

From: "John MacHarg" <johnmacharg@gmail.com<mailto:johnmacharg@gmail.com>>  
Date: January 29, 2016 at 9:27:12 PM PST  
To: <jkepley@pvestates.org<mailto:jkepley@pvestates.org>>  
Subject: Lunada Bay  
Dear Chief Kepley,

I appreciate the effort your department is making on the localism issue at Lunada Bay. I was surfing at Lunada Bay today. I was also at the patio structure and saw local surfers drinking beer, while at the same time uniformed police officers were on the patio structure. I didn't understand why the drinking in public issue was being overlooked?

Regards,

John MacHarg

johnmacharg@gmail.com<mailto:johnmacharg@gmail.com>

## 2 john carpenter



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18 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 19 REED, and COASTAL PROTECTION  
 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**

22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JOHN  
 CARPENTER IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C.

First Street Courthouse

v.

LUNADA BAY BOYS; THE  
 INDIVIDUAL MEMBERS OF THE  
 LUNADA BAY BOYS, including but  
 not limited to SANG LEE, BRANT  
 BLAKEMAN, ALAN JOHNSTON  
 AKA JALIAN JOHNSTON,  
 MICHAEL RAE PAPAYANS,  
 ANGELO FERRARA, FRANK  
 FERRARA, CHARLIE FERRARA,  
 and N. F.; CITY OF PALOS  
 VERDES ESTATES; CHIEF OF  
 POLICE JEFF KEPLEY, in his  
 representative capacity; and DOES  
 1-10,

Defendants.

I, John Carpenter, declare as follows:

1. I currently reside in Murrieta, California. In May 2015, I retired from my position as the Police Captain of the City of Riverside, where I had held various law enforcement roles for 31 years. As the Police Captain, I was in charge of a number of units, including the gang, robbery, homicide, SWAT, and narcotics units. In 2007, I oversaw an injunction of a 500-member criminal gang in Riverside called the East Side Riva (ESR). I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify competently as to its contents.

2. I grew up in the city of Riverside. In 1979, I graduated from Ramona High School in Riverside. After studying at the University of Wyoming for one year, I returned home to attend Riverside City College from 1980 until 1981. From 1982 until 1984, I attended California State University Fullerton. When school was in session, I lived in Fullerton.

1 During the summers, I lived with my family in Riverside. In 1984, I  
2 graduated from Cal State Fullerton with a degree in Criminal Justice.

3 3. When I was a student at Cal State Fullerton, I had a girlfriend  
4 named Sue Dell. Sue was from Rolling Hills Estates.

5 4. Sue and I loved to surf and scuba dive. For the two years we  
6 dated, we would typically surf at least two weekends each month. We  
7 surfed most frequently at Haggerty's, Malaga Cove, Indicator, Rat Beach,  
8 and the Manhattan Beach Pier.

9 5. Back in the early 1980s when Sue and I dated, it was common  
10 knowledge that non-locals were not allowed to surf at Lunada Bay. I knew  
11 that Lunada Bay was highly localized and that the Lunada Bay Boys, a local  
12 group of male surfers that acted like a gang, made it their mission to exclude  
13 non-locals. Because of Lunada Bay's well-known reputation in the beach  
14 community as being dangerous for outsiders, I was afraid to visit it. The  
15 layout of Lunada Bay made it particularly intimidating – once you walk down  
16 a steep and precarious trail from the bluffs alongside the street to the beach  
17 below, the Bay Boys have the high ground and can (and do) throw rocks at  
18 people below them. The Bay is almost like a garrison in this way because  
19 the Bay Boys can easily assault others while protecting themselves. I have  
20 friends who had rocks thrown at them when they visited Lunada Bay.

21 6. Even though Sue was from nearby Rolling Hills Estates, we  
22 knew that she would be considered a non-local at Lunada Bay and would  
23 therefore be harassed if we visited. This intimidated Sue and me, and  
24 deterred us from attempting to surf Lunada Bay, even though we knew we  
25 were missing out on great surfing.

26 7. One day in 1983 or 1984, Sue and I grew tired of avoiding  
27 Lunada Bay, and decided to try to surf there. Sue thought that because she  
28 was practically a local, the Lunada Bay Boys would not hassle her. We

1 drove Sue's car to the Lunada Bay neighborhood. We parked the car  
2 several blocks away from the coast because we were scared that the  
3 Lunada Bay Boys would vandalize the car. We also removed the surf racks  
4 so the Bay Boys would not be able to identify our car as easily.

5 8. During our walk down to the beach at Lunada Bay, we did not  
6 encounter many people. However, once we paddled out, we experienced  
7 Lunada Bay's localized culture firsthand. There were about 6 surfers in the  
8 water, all of whom were male. Almost immediately after we paddled out, the  
9 other surfers started yelling at us, saying "you guys don't belong here" and  
10 "get out of here." They also called us names and cursed at us. These  
11 surfers also aggressively violated surf etiquette – they would drop in on my  
12 waves and cut me off. This behavior was dangerous because it required me  
13 to pull off a wave, which could have resulted in the waves pummeling me or  
14 could have caused me to crash into the nearby shallow rock reef. The  
15 experience was frustrating and dangerous because I risked getting injured  
16 by a Bay Boy each time I tried to surf a wave.

17 9. After about 45 minutes of suffering from the Lunada Bay Boys'  
18 harassment, Sue and I felt too uncomfortable so we decided to leave. When  
19 we got back to the car, we discovered that Sue's car antenna had been  
20 mangled and that someone had vandalized the car by smearing surf wax on  
21 it. They wrote derogatory words about Sue being a woman. Based on my  
22 friends' experiences and my 45 minutes of trying to surf at Lunada Bay, I  
23 was almost positive that the Lunada Bay Boys were responsible for this  
24 vandalism.

25 10. Due to this negative experience, I have not returned to surf  
26 Lunada Bay.

27 11. I still love surfing. I find it to be a peaceful, solemn experience.  
28 It is spiritual to be propelled by nature when I surf. I also enjoy surfing as a

1 form of exercise. I am athletic, so I look for ways to stay in shape and give  
2 purpose to my workouts. Many of my friends surf, so surfing has also  
3 become a way for me to connect with friends and develop fellowship over  
4 common interests.

5 12. Despite living near Palos Verdes Estates and having a passion  
6 for surfing, I have not returned to surf Lunada Bay since that one occasion  
7 with Sue in the early 1980's. The one time I tested whether the rumors  
8 about Lunada Bay were true, my experience lived up to everything I had  
9 heard from friends and other surfers. The harassment and intimidation I  
10 experienced has deterred me from returning to Lunada Bay.

11 13. These days, I usually surf at San Elijo State Beach in San Diego  
12 County. I enjoy surfing there because it is welcoming to surfers from all  
13 over, and the surfers treat each other with respect. If I felt safe to return to  
14 Lunada Bay, I would probably surf there at least a few times each year.

15 14. When I recently heard that the intimidation and exclusionary  
16 behavior at Lunada Bay is still occurring – more than 30 years after I  
17 experienced it firsthand – I was shocked. As a law enforcement  
18 professional, I know that the conduct taking place at Lunada Bay is no  
19 different than criminal gang activity. Like a criminal gang, the Lunada Bay  
20 Boys have taken over a public place and use intimidation tactics to scare  
21 others to stay off their turf.

22 15. In response to this conduct, the City of Palos Verdes Estates'  
23 police should have taken action to address the issues and treat the situation  
24 like a gang injunction. For example, they should have set up cameras,  
25 conducted surveillance, and prosecuted wrongdoers based on the  
26 complaints they received. Instead, the City and the police ignore the  
27 complaints or take down reports of aggression but then fail to follow up and  
28 investigate and prosecute the wrongdoers. The City and police also

1 complaints they received. Instead, the City and the police ignore the  
2 complaints or take down reports of aggression but then fail to follow up and  
3 investigate and prosecute the wrongdoers. The City and police also  
4 respond by warning surfers to go elsewhere or surf at their own risk. The  
5 City and police department's failure to take these actions reflect their  
6 deliberate indifference. Their actions serve to obstruct justice, not enforce it.

7 16. Lunada Bay is a public beach, and I hope to be able to visit it to  
8 surf without fear of verbal threats, harassment, assault, and vandalism. I  
9 want the aggressive Bay Boys to be barred from using this beach for a  
10 sufficient time to change attitudes and assure the public that it is theirs to  
11 enjoy. In short, I want to be able to visit Lunada Bay without being harassed  
12 and to be safe in my person and property. And if I am harassed, I want the  
13 City of Palos Verdes Estates police to take my complaints seriously and  
14 follow up accordingly.

15  
16 I declare under penalty of perjury under the laws of the United States  
17 of America that the foregoing is true and correct.

18 Executed in MURRIETA, California on December 28,  
19 2016.

20  
21   
22 JOHN CARPENTER



### 3 jason gersch

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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JASON  
 GERSCH IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C



1  
2 v.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Jason Gersch, declare as follows:

19 1. I live in San Pedro with my wife and two children. I work for the  
20 City of Torrance as a senior welder. I have personal knowledge of the facts  
21 set forth herein, except as to those stated on information and belief and, as  
22 to those, I am informed and believe them to be true. If called as a witness, I  
23 could and would competently testify to the matters stated herein.

24 2. I learned to surf in Torrance, California. I graduated from North  
25 High School in Torrance in 1995. Growing up, I primarily surfed an area  
26 called "the Avenues" in Redondo Beach. As my surfing progressed, I  
27 started to hear about different spots in Palos Verdes and how good they  
28 were. We could see these places from where we surfed in Torrance and  
Redondo Beach. I also used to surf 2<sup>nd</sup> street in Hermosa Beach. I heard  
that Lunada Bay was localized and that outsiders should avoid going there.  
Visitors could expect taunts, physical threats, dangerous activity in the

1 water, and/or damage to your property.

2 3. Around 1992 or 1993, my friend Sean and I decided to check out  
3 Lunada Bay. We drove to the Bay and parked on Paseo Del Mar. There  
4 was no surf so we left without incident.

5 4. On another occasion around the winter of 1993, my friend Sean  
6 and I went to check the surf at Lunda Bay. We parked on Paseo Del Mar,  
7 but far down the street from what is known as the "goat trail." We were  
8 worried about the car being vandalized so we took care to park away from  
9 the trails leading to the beach. Attached as **Exhibit 1** is true and correct  
10 copy of an aerial photograph of the area. I have put an "X" where we  
11 generally parked. On this particular day, we were approached by two local  
12 Bay Boys named Peter McCollum and Brant Blakeman. Attached as  
13 **Exhibit 2** is a true and correct photograph of Mr. Blakeman. He is the  
14 individual holding the camera. Attached as **Exhibit 3** is a photo of Mr.  
15 McCullum.

16 5. A few months later, my friends Sean, Matt and I attempted to  
17 surf Lunada Bay. We parked on Paseo Del Mar and got into our wetsuits on  
18 the top of the bluff and proceeded down the goat trail. About half way down,  
19 the locals started throwing rocks and dirt clods at us. We attempted to  
20 protect our heads by using our surfboards as shields. Fearing for our safety,  
21 we turned around and headed back to the car. The people who were  
22 throwing the rocks and dirt clods were gone by the time we reached the car.  
23 At this point, I was done trying to surf Lunada Bay. It was not worth the  
24 hassle.

25 6. On November 5, 1995, I attended an event organized by Geoff  
26 Hagins called "Take Back Our Public Beaches Day -- Surf Lunada Bay  
27 Peaceful Protest," a public protest of localism in Palos Verdes. I met Geoff  
28 that summer. He was upset because the PVE police never responded to the

1 localism issue. He felt the police were corrupt. The focus of the protest was  
2 to demand equal access for everyone who wanted to surf Lunada Bay.  
3 There was a large turnout; somewhere around a hundred people. However,  
4 someone called in a bomb threat and the police made the protestors and  
5 other spectators on the shoreline leave the beach. Attached as **Exhibit 4** to  
6 this declaration is a true and correct screen shot from a local television news  
7 cast where I can be seen. I was interviewed by several news stations and  
8 was vocal about my experiences with the Lunada Bay Locals and the PVE  
9 Police.

10 7. One evening in the summer 1996, I was checking the surf with  
11 some friends at the top of Bluff Cove in Palos Verdes Estates and we were  
12 approached by a PVE police officer. It was around 5:00 pm. The officer  
13 asked what we were doing. I responded by stating "checking the surf," and  
14 the officer demanded to see our drivers' licenses. The officer then stated  
15 "you are a long way from home" and "it's getting late so you need to leave."

16 8. After I appeared on television at another Lunada Bay protest  
17 organized by Geoff Hagins in 1996, I was detained by PVE police while  
18 attending a house party in Lunada Bay. I think this was in the summer of  
19 1996. I was held at the Police Station but not charged. I was released after  
20 a couple hours and told him to "walk towards Torrance." I was not permitted  
21 to use a phone.

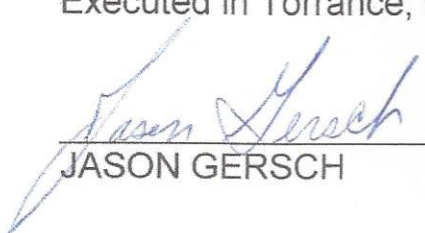
22 9. Having experienced localism at Lunada Bay over the years, I am  
23 frustrated and discouraged by the way the City of Palos Verdes Estates and  
24 the police have handled it. Until just recently, City officials have publicly  
25 stated that the Bay Boys and localism were an "urban legend." I would like  
26 to be able to visit Lunada Bay to surf without fear of physical and verbal  
27 attack or the hassle of dealing with the Bay Boy bullies. I would like to be  
28 able to visit the Lunada Bay bluff, shoreline, and water to explore and surf

1 without fear of having my car vandalized. I want the Bay Boys and other  
2 locals to be barred from using this beach for sufficient time to change  
3 attitudes and to give access to the beach back to the public.

4 10. I want the City of Palos Verdes Estates to enforce its ordinances  
5 fairly and for it to provide signage so people will know Lunada Bay is a  
6 public beach. I want the City of Palos Verdes Estates to improve amenities  
7 in a fashion that makes it safer, provides improved access to all beachgoers,  
8 and is both consistent with this rural spot, the California Coastal Act, and  
9 state and federal law. For example, access trails to the shoreline should be  
10 clearly marked to make it safer for people visiting to navigate down to the  
11 shoreline. And no person should be allowed to block the access trails or to  
12 intimidate visitors on the bluff top, on the shoreline, or in the water. I want  
13 Palos Verdes Estates police to be available to help when people are  
14 unlawfully excluded. In short, I want to be able to visit Lunada Bay without  
15 being harassed. And if I am harassed, I want the City of Palos Verdes  
16 Estates police to take my complaints seriously.

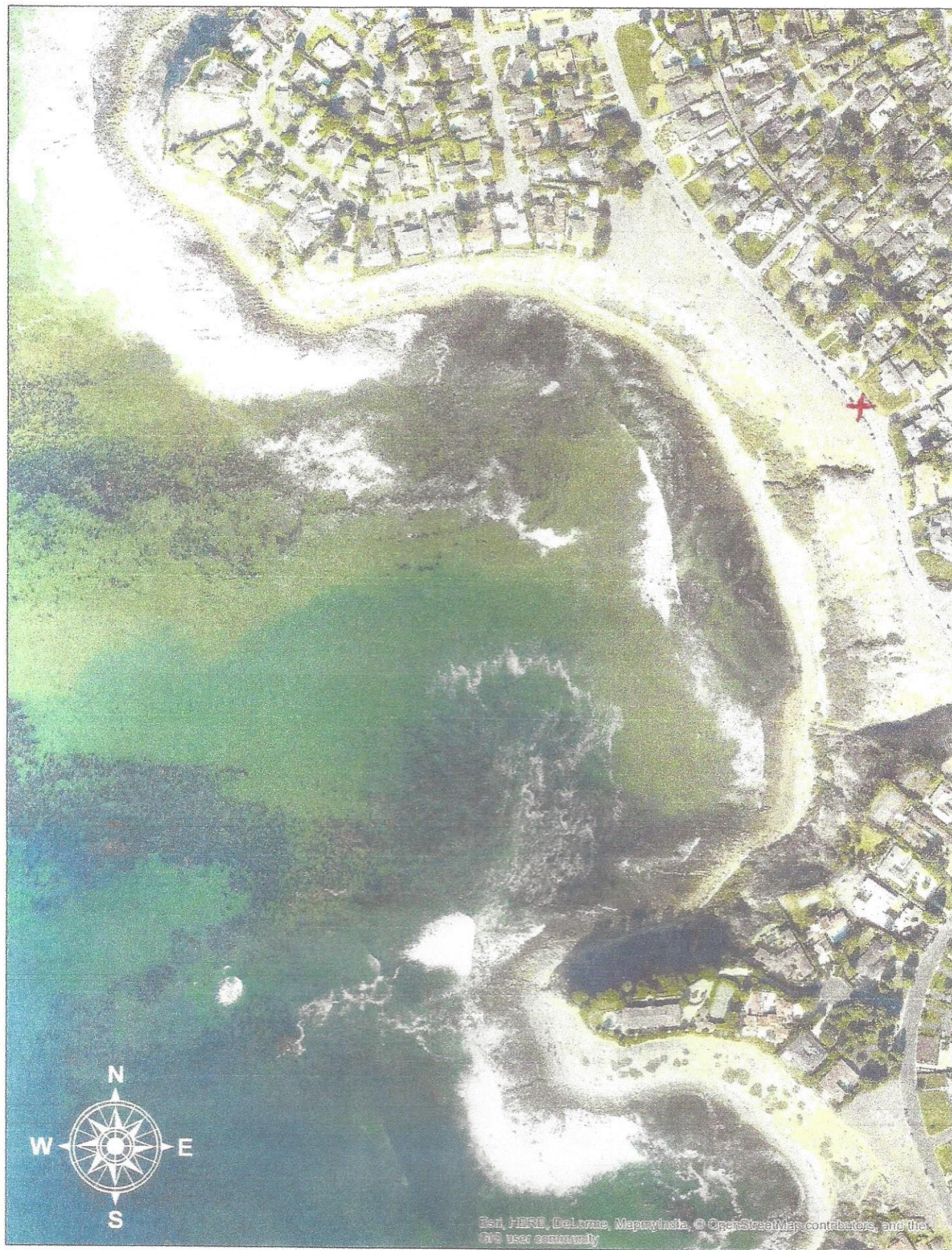
17 I declare under penalty of perjury under the laws of the United States  
18 of America that the foregoing is true and correct.

19 Executed in Torrance, California on December 28, 2016.

20  
21   
22 JASON GERSCH  
23  
24  
25  
26  
27  
28

# Exhibit 1





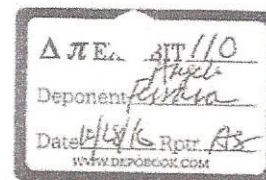


# Exhibit 2





# Exhibit 3



# Exhibit 4



LUNADA BAY in PALOS VERDES CALIF 1995/96 Surf localism News  
Stories

4    blake will

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18 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 19 REED, and COASTAL PROTECTION  
 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 corporation,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF BLAKE WILL IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 FOR CLASS CERTIFICATION**

Complaint Filed: March 29, 2016  
 Trial Date: November 7, 2017

1 Plaintiffs,

2 v.

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C

First Street Courthouse

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Blake Will, declare as follows:

19 1. I grew up in Palos Verdes and lived there from the age of 5 to  
20 18. I attended Miraleste High School and the University of Southern  
21 California. After I graduated from college, I moved to Manhattan Beach,  
22 where I lived until I was 25 years old. I currently reside near Hartford,  
23 Connecticut. I own a marketing agency that builds websites. I have  
24 personal knowledge of the matters stated in this declaration and, if called as  
25 a witness, I could and would testify competently as to its contents.

26 2. I started surfing when I was a teenager. There are many good  
27 places to surf in Palos Verdes Estates, like Haggerty's and Indicator, but in  
28 my opinion none of them are as special as Lunada Bay. Lunada Bay does  
not compare to other surf locations because Lunada Bay is primarily a right  
hand point break that can handle any size swell when the conditions are  
right. Haggerty's and Indicator break left and are not as sheltered so they



1 not are protected from the wind. Lunada Bay is also just a nice pleasant  
2 bay.

3       3. Despite growing up in Palos Verdes, I was not allowed to surf  
4 Lunada Bay. I suspect this was in part because I did not go to Palos Verdes  
5 High School. It seemed that people from Miraleste High School, were not  
6 allowed to set foot in Lunada Bay because we were considered outsiders.

7       4. When I was growing up, it was known that Lunada Bay was ruled  
8 by the Lunada Bay Boys. The Bay Boys would threaten, harass, and beat  
9 up all outsiders, and would vandalize their cars. They ruled with an iron fist.  
10 To my knowledge, there is no place in the world where the local surfers  
11 display the kind of hostility, aggression, or exclusionary attitude that the  
12 Lunada Bay Boys display.

13       5. The Bay Boys are very exclusive then and I believe they still are  
14 to this day. They treat Lunada Bay like it is their private property. They  
15 believe that it is their God-given right to own and protect Lunada Bay. It is  
16 my understanding that about 70 to 90 men are in the Lunada Bay Boys.  
17 This tight-knit group is comprised of older guys and their kids who are  
18 carrying on the legacy of exclusion. Only those who are in the group of  
19 Lunada Bay Boys are allowed to surf Lunada Bay. Outsiders are unable to  
20 simply "join" the Bay Boys. I could beg, plead, and offer money to the Bay  
21 Boys to be allowed to surf at the Bay, but they still would not allow me to join  
22 their ranks.

23       6. In my early twenties, I lifeguarded at city-owned pools in Watts, a  
24 rough town where well-known gangs like the Bloods and the Crips lived. I  
25 saw firsthand that Watts was a very dangerous place due to the gang  
26 violence. Nonetheless, I would feel safer playing a basketball game in Watts  
27 amidst the Bloods and Crips than I would trying to surf at Lunada Bay.

28       7. Although I knew that I would be hassled if I tried to surf Lunada



1 Bay, I attempted to surf there five or six times when I was a teenager and in  
2 my early twenties. During these occasions, I would get dropped off by  
3 friends so that my car would not be vandalized while I tried to surf. I did this  
4 because my friends' cars had been vandalized when they tried to surf at  
5 Lunada Bay. I also did not bring any belongings with me, like a backpack or  
6 even surf wax, because I knew that my belongings would be stolen or  
7 vandalized while I was surfing. On the walk down to the beach, the Bay  
8 Boys would verbally and physically abuse me and would get in my face. As  
9 a teenager, I was terrified to be bullied by men in their twenties and thirties.  
10 Once I got down to the beach and paddled out, I was threatened so severely  
11 that I stopped surfing before I was finished.

12 8. On one of the times I tried to surf Lunada Bay, I was harassed by  
13 one of the Bay Boys named Kelly Logan and his buddies. Logan was known  
14 as one of the "enforcers" who ruled Lunada Bay through fear, intimidation,  
15 and violence. Logan paddled up to me, got in my face, and yelled  
16 profanities like, "get the fuck out of here," "we'll beat your ass," "don't ever  
17 come back," and "you don't belong here." Logan also told me he was going  
18 to kill me. This intimidation scared me and convinced me not to try to surf  
19 Lunada Bay again.

20 9. I visit Palos Verdes every year because my mother still lives  
21 there. On one of my visits with my son about 10 years ago, I let my son ride  
22 one of my father's classic Harley Davidson motorcycles. Because my son  
23 was unfamiliar with the neighborhood, I followed him in my car so I could  
24 help him navigate around Palos Verdes. My son rode out to Lunada Bay,  
25 and was stopped by a Palos Verdes Estates police officer. The police  
26 asked my son if he was lost and if he knew where he was going. It was  
27 clear to me that the police only pulled over my son because he looked like a  
28 hardcore biker who did not belong in Palos Verdes Estates. When I got out

1 of my car to see what was going on, the police officer put his hand on his  
 2 gun and asked me who I was and what business I had being in Palos  
 3 Verdes. This was just one of the many examples I have heard about in  
 4 which the Palos Verdes police participate in the intimidation of the Bay Boys.  
 5 The Palos Verdes police officers help the Bay Boys kick out the "riffraff,"  
 6 which in this instance, included my harmless son.

7 10. To my knowledge, the aggression and intimidation that I  
 8 experienced thirty years ago and that my son and I experienced ten years  
 9 ago is still ongoing. Although I visit my mother frequently, I do not visit  
 10 Lunada Bay because it is unsafe for outsiders like us to go there. This  
 11 angers me because I still surf all over, including in other parts of Palos  
 12 Verdes, as well as in Hawaii and Mexico. The only way Lunada Bay would  
 13 be a safe place would be to keep the Lunada Bay Boys away from it.

14 19. Lunada Bay is a public beach, and I hope to be able to visit it to  
 15 surf without fear of physical and verbal attack as to me and my property. I  
 16 want the aggressive Bay Boys and other locals to be barred from using this  
 17 beach for sufficient time to change attitudes, and return this beach back to  
 18 the public. In short, I want to be able to visit Lunada Bay without being  
 19 harassed and to be safe in my person and property. And if I am harassed, I  
 20 want the City of Palos Verdes Estates police to take my complaints  
 21 seriously.

22  
 23 I declare under penalty of perjury under the laws of the United States  
 24 of America that the foregoing is true and correct.

25 Executed in Ashford, Connecticut on December 27, 2016.

26 

27 BLAKE WILL

28

**5    sharlean perez**

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17 Attorneys for Plaintiffs  
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 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF SHARLEAN  
 PEREZ IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

18 I, Sharlean Perez, declare as follows:

19 1. I am a long-time resident of Southern California. I have lived in  
20 and around Gardena, California, which is about 13 miles from Lunada Bay in  
21 the City of Palos Verdes Estates, my entire life. I attended the University of  
22 California, Los Angeles (UCLA) for my undergraduate studies. I have been  
23 a paralegal for nearly 20 years, and I currently work as a paralegal for the  
24 law firm of Manatt, Phelps & Phillips. I have personal knowledge of the  
25 matters stated in this declaration and, if called as a witness, could and would  
26 testify competently as to its contents.

27 2. I have always been very athletic and enjoy being outdoors.  
28 Currently, I sail, scuba dive, and hike for my recreational and physical  
activities. Growing up, I participated in soccer, track, and cross country. As  
a member of my high school's cross-country team, we used to follow a  
course that led us to Lunada Bay Cove. The path down to the cove is

1 somewhat treacherous and the entrance can be hard to find, so it is not the  
2 type of location where a lot of visitors would inadvertently stumble upon it. I  
3 only knew about Lunada Bay because of training in that area with my cross-  
4 country team.

5       3. In 1986, my boyfriend and I decided to stop by Lunada Bay for a  
6 nature walk. We planned to walk down the trail, past the bluff that led down  
7 to the ocean. We entered Lunada Bay and began heading down the trail,  
8 not knowing that it was treated by some as an "exclusive" surf spot.

9       4. As we made our way down the trailhead, I heard the crash of a  
10 bottle breaking. I thought that something had either fallen from the bluff  
11 above, or perhaps someone had knocked something down onto the trail on  
12 accident. However, I looked up to see 2-3 young men assembled at the top  
13 of the hill and realized that someone had deliberately thrown the glass bottle  
14 down onto our path. The bottle had shattered on the trail. I was surprised,  
15 but I ignored the attack and continued following the trail down to the beach  
16 so my boyfriend and I could look at the ocean.

17       5. As we made our way back up the hill later that afternoon, there  
18 were 2-3 young men gathered at the top of the trail who glared at us as we  
19 ascended. I believed these to be the same young men who threw the bottle  
20 at us as we descended the hill. It was clear from the young men's hostile  
21 behavior that we were not welcome at Lunada Bay.

22       6. I did not realize at the time that the young men's behavior was a  
23 form of harassment. It was only once I got older that I understood the young  
24 men's behavior was a form of intimidation, and an attempt to keep us out of  
25 Lunada Bay. Before this incident, I had heard about the local surfers who  
26 "protected" Lunada Bay from visitors, even though it is a public beach.  
27 However, I never imagined that they would also bother someone who was  
28 simply walking down the trail to look at the ocean at Lunada Bay.

1           7. I am a woman of Latin descent, and I do not know if racism  
2 played a role in the men's actions. I am informed and believe, however, that  
3 the young men's attitude was motivated, in part, by economics. The Lunada  
4 Bay Boys did not want people to use the beach if they were not from Palos  
5 Verdes Estates, and they behaved as if the entire beach belonged to them.  
6 Even though I attended the same private Catholic high school in Torrance as  
7 some of the Bay Boys from Palos Verdes Estates, I was still considered an  
8 "outsider" because I did not live in the city of Palos Verdes Estates.

9           8. After the bottle-throwing incident, I never returned to Lunada  
10 Bay. I would have liked to visit Lunada Bay more often, but I did not feel  
11 safe doing so after how my boyfriend and I were treated. I would have loved  
12 to bring my friends from UCLA to Lunada Bay so they could see how  
13 beautiful it was—especially since I knew the area—but I was afraid to do so  
14 because Lunada Bay had such a bad reputation for localism. I believed and  
15 often heard from others that the men at Lunada Bay would harass visitors,  
16 throw things at them, or vandalize their cars if they attempted to visit.  
17 Therefore, my friends and I avoided Lunada Bay altogether.

18 ///

19 ///

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1           9. I would love to visit Lunada Bay again. I feel passionately about  
2 the beach, the environment, and our coast. Our shores are public, and I  
3 believe that public access should be guaranteed. However, I will not visit  
4 Lunada Bay again until I feel that it is safe to do so. Even though I only live  
5 12 miles from Lunada Bay Cove, I have been effectively prevented from  
6 visiting Lunada Bay because of the harassing and intimidating behavior of  
7 the locals. I will not feel comfortable going back to visit until I can be  
8 assured that it is safe to do so without being verbally or physically harassed  
9 by the locals at Lunada Bay.

10  
11           I declare under penalty of perjury under the laws of the United States  
12 of America that the foregoing is true and correct.

13  
14           Executed in Gardena, California on December 22, 2016.

15  
16             
17           SHARLEAN PEREZ



## 6 john innis

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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JOHN W. INNIS  
 IN SUPPORT OF PLAINTIFFS'  
 MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

18 I, John W. Innis, declare as follows:

19 1. I have lived in Hermosa Beach, California for more than 30  
20 years. I have personal knowledge of the matters stated in this declaration  
21 and, if called as a witness, could and would testify competently as to its  
22 contents.

23 2. I attended Santa Monica College and obtained my associate's  
24 degree in Electronic Engineering Technology in 1977. I currently work as a  
25 Contract Engineer for Northrup Grumman.

26 3. I enjoy visiting the beach, surfing, and being outdoors. Surfing is  
27 a great sport and much more physical than one might think. The sport of  
28 surfing is a lot of fun. I have surfed in Hawaii, Bluff Cove at Palos Verdes  
Estates, and other great surf locations.

4. In 1998, I had a verbal altercation with a man while visiting  
Lunada Bay. I was seated on the bluff at Lunada Bay, trying to take pictures

1 of the surf. I had my tripod on the bluff, and I could have been mistaken for  
2 a professional photographer based on the size of the lens. As I was  
3 positioning my camera towards the water, my view-finder suddenly went  
4 black. There was a man standing right in front of my lens, deliberately  
5 blocking my view, even though there was no one around on either side of  
6 us. The man told me that I should not be taking pictures of local surfers. I  
7 did not like the way he had blocked my camera or his hostile tone when he  
8 spoke to me. I told him that I had a right to be there. After a 2 to 3 minute  
9 argument between myself and the man, I packed up my gear and left  
10 Lunada Bay rather than getting into a physical altercation with him. I did not  
11 want the argument to escalate further, nor did I want my property to get  
12 damaged. Even though the man did not attack me physically, I believed it  
13 was clear that he was trying to intimidate me.

14         5. I was so incensed after the exchange that I drove to the nearest  
15 pay phone to call the police. I drove just up the road from Lunada Bay to the  
16 local gas station to call the sheriff to make a report. However, before I could  
17 get my change into the pay phone to make the call, the same man who  
18 harassed me on the bluff drove up the hill in a white pickup truck with a  
19 second man in the passenger seat and they exited their vehicle. They  
20 stared me down in the phone booth as they went into the liquor store that is  
21 adjacent to the gas station, trying to further intimidate me. Rather than call  
22 the police from that location, I decided to get leave. I drove straight from the  
23 gas station to the police station.

24         6. I went to the Palos Verdes Estates police station to file a  
25 complaint. The police acted indifferent to my story. They said they were not  
26 going to send someone out to the beach for that type of behavior, but I could  
27 fill out a complaint. I filed Complaint Number 980329026 on March 29,  
28 1998. Officer Dave P. Blitz took my statement. After I filed the complaint,

1 the police never called me to follow up on it. It was not until years later  
2 when I personally requested a copy of the police report that I learned that  
3 the police followed up with the aggressor from the bluff. The Palos Verdes  
4 Estates Police never notified me that they had investigated my complaint, or  
5 that they had spoken to the man regarding his behavior.

6 7. Since the incident in 1998, I have returned to Lunada Bay and I  
7 have not had any further altercations with the men there. It is my belief that I  
8 have not been harassed because I limit my visits to the bluffs, rather than  
9 going down to the beach to surf. The men I believe are known as Bay Boys  
10 seem to hang out near the trailhead entrance, so whenever I visit I try to  
11 avoid the trailhead altogether. I would not even contemplate walking down  
12 that trail to the beach for fear of being harassed or assaulted.

13 8. I am informed that the men's behavior is supposed to be getting  
14 better at Lunada Bay in this last year or so, but I do not believe it. It is my  
15 belief that any improved behavior is only because people are scrutinizing  
16 them now. Another reason that I do not believe it is getting better is  
17 because people that are hassled do report every incident, i.e., they go  
18 somewhere else rather than report it to the police. Perhaps it has gotten  
19 better, but coincidentally the same year that I filed my complaint with the  
20 police in 1998, Easy Reader magazine claimed there had been "no  
21 incidents" at Lunada Bay that year. I know that to be untrue because I filed  
22 a complaint with the Palos Verdes Estates police department that year.  
23 Therefore, it is my belief that either my complaint did not show up in the  
24 police files, or the magazine chose not to report the complaint.

25 ///

26 ///

27 ///

28 ///

1           9. I hope to one day see Lunada Bay be a place where people can  
2 visit freely without fear of harassment. Unfortunately, the Bay Boys'  
3 behavior has gone unchecked for so long that it is not safe for visitors to go  
4 there without fear of harm to themselves or their property. Perhaps there is  
5 a very bold person who would be willing to take their chances by going down  
6 the trail that leads to the beach and getting into the water at Lunada Bay.  
7 But knowing how the Bay Boys act, I would not be the person to volunteer to  
8 try it out.

9  
10           I declare under penalty of perjury under the laws of the United States  
11 of America that the foregoing is true and correct.

12  
13           Executed in Hermosa Beach, California on December 21, 2016.

14  
15   
16           JOHN W. INNIS  
17  
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26  
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28



## **EXHIBIT 1**

# PALOS VERDES ESTATES POLICE DEPARTMENT CA0195100

## MISCELLANEOUS REPORT

980329026

DR 980199

OFFENSE		F/M	DISPOSITION	VICTIM	OV	HATE	FORCE
MISC MISCELLANEOUS REPORT		P	P		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REPORTED DATE & TIME Sunday 03/29/1998 at 10:36		LOCATION OF OCCURRENCE 2100 BLK PASEO DEL MAR			EARLY DATE & TIME OF OCCURRENCE Sunday 03/29/1998 at 10:36		
		RD 701			LATE DATE & TIME OF OCCURRENCE Sunday 03/29/1998 at 10:36		
PRIMARY ROLE INVOLVED-1	NAME	RACE	SEX M	AGE	DATE OF BIRTH		
PRIMARY ROLE REPORTING PARTY-1	NAME INNIS, JOHN WARREN	RACE	SEX M	AGE	DATE OF BIRTH		
VEHICLE INFORMATION							
VEHICLE STATUS	YEAR	MAKE TOYT	MODEL TK	BODY PK	COLOR 1 SIL	COLOR 2	LICENSE CA
							EXPIRES /
VEHICLE ACTION	VALUE	RECOVERED VALUE				REGISTERED OWNER	

**NARRATIVE**

SOURCE: On 3/29/98 at approximately 1100 Hours, I was detailed to the station lobby regarding a report call of a suspected surfer incident.

REPORTING PARTY'S STATEMENT: RP/Innis reported the following incident that had occurred on this date at approximately 1015 hours. While standing on the upper bluff in the 2500 block of Paseo Del Mar taking pictures with a tripod mounted camera, an unidentified Subject stood in front of his camera to block the camera lens. RP/Innis looked up from his camera and asked the subject if he could move out of the way. Upon doing so, the subject told RP/Innis that he should not be taking pictures of the local surfers. After approximately 2-3 minutes of argumentative conversation, the unidentified Subject walked over and entered a parked vehicle that was described as a small import pickup truck silver or grey in color with a triangle shaped decal on the rear camper shell window. RP/Innis stated that he then packed up his equipment and drove to the Police station to report the incident. RP/Innis stated that while he was never threatened by the subject, he felt that a minimal amount of intimidation had occurred and he resented it. RP/Innis described the Subject as a Male white, approximately 25 years old, medium length brown hair wearing khaki cut off shorts, white t-shirt with tan work boots.

OFFICER'S STATEMENT: I informed RP/Innis that I would document the non-criminal incident and that I would attempt to locate the Subject to investigate further. After providing RP/Innis with a report number, I drove to the location where the Subject was last seen in an attempt to identify him. Upon my arrival in the area, I located the described unoccupied vehicle. After contacting approximately 8 unidentified surfers standing nearby, they all stated that the registered owner of the above vehicle was probably down on the beach. Due to the above,

**REDACTED**

**PALOS VERDES ESTATES POLICE DEPARTMENT CA0195100**  
**MISCELLANEOUS REPORT**

**980329026****DR 980199**

I left my business card on the window of the truck that was registered to [REDACTED]. Later in the day while off duty, I/ [REDACTED] called the station to discuss the incident. On 3/30/98 at approximately 0700 Hours, after paging I/ [REDACTED] he returned my call and agreed to discuss the reported incident. I/ [REDACTED] acknowledged that he had a conversation with another person regarding the taking of pictures in Lunada Bay. I/ [REDACTED] reported the incident as follows: While walking past RP/Innis' camera, I/Innis became angry that he had walked past the front of his camera. I/ [REDACTED] stated that RP/Innis became very hostile while telling him to move away from his camera equipment. After discussing the differing versions of the incident, I was able to get I/ [REDACTED] to acknowledge that he was the one who had purposely initiated the confrontation. I reminded I/ [REDACTED] that he did not have the legal right to discourage other individuals from being in the area and that the area was not reserved exclusively for so called "Locals". I/ [REDACTED] agreed that it would be unproductive to engage in these types of confrontations in the future.

**REDACTED**

**ADDITIONAL INFORMATION:** Prior to this reported incident, I/ [REDACTED] had no previous contacts with our agency in any similar incidents.

CASE PENDING				
REPORTED ON:	3/29/1998	AT 10 36	BY 710	CPL. DAVE P. BLITZ 710
RECORDED ON:	3/29/1998	AT 10 36	BY 710	CPL. DAVE P. BLITZ 710
REVIEWED ON:	3/30/1998	AT	BY 712	MARK A. VELEZ 712

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 CORY SPENCER, DIANA MILENA  
 19 REED, and COASTAL PROTECTION  
 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 28 corporation,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF KENNETH  
 CLAYPOOL IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017





1 graduation in 1982. My friends and I primarily surfed the "Avenues" in the  
2 City of Redondo Beach. In the winter, you could see the big swells roll into  
3 Palos Verdes Estates at spots like Haggerty's, the Cove, and Indicator from  
4 our local beaches. Occasionally, we would drive to Palos Verdes Estates  
5 simply to watch the surf. Seeing those perfect pointbreaks created a lifelong  
6 obsession with wanting to surf Palos Verdes Estates and other areas of the  
7 Peninsula. But it was well known in the surfing community that the spots in  
8 Palos Verdes Estates were extremely localized. I remember first hearing  
9 this from the older guys where I surfed. Lunada Bay was known as an  
10 incredible big wave spot but a place where outsiders could not venture.  
11 There were articles in the local papers and surfing publications that  
12 confirmed the reports that I had heard from other surfers about Palos Verdes  
13 Estates and Lunada Bay specifically. Still, as a teenager, I dreamed of  
14 surfing Lunada Bay. It did not seem right that locals could claim a public  
15 beach as their own. I became determined to surf Lunada Bay.

16 4. After I graduated from high school, I worked for a couple different  
17 tile contractors. I worked hard until eventually I obtained a contractor's  
18 license and started my own business. To this day, high-end tile installation  
19 provides me great satisfaction in that I can see the results of my labor and it  
20 allows me the time to surf.

21 5. While I still understood Lunada Bay and Palos Verdes Estates'  
22 localism to be a problem, my desire to surf the waves in Palos Verdes  
23 Estates got the better of me in the mid-to-late 1990s. My friends Keith  
24 McKormick, Tom Wolley and a man named Mitch and I ventured to a spot  
25 immediately next to Lunada Bay called "Wally's." The surf was huge that  
26 day. At the bottom of the trail, the harassment from the local surfers  
27 commenced. I cannot recall exactly what the locals said to us but their  
28 comments were laced with profanities and they essentially told us that "if

1 you don't live here you can't surf here." When we paddled out, the locals did  
2 not follow the normal rules of surfing and dangerously dropped in on waves  
3 that my friends and I were surfing. Normal rules require surfers to wait their  
4 turn to ride a wave one at a time. But in this case, despite waiting our turn,  
5 the local surfers would paddle into a wave that one of us was already  
6 surfing, "drop in" on the wave, and nearly hit us. It was incredibly dangerous  
7 and careless.

8         6. When we had enough of the harassment, we made our way back  
9 up the trail to our cars. While we were surfing, other locals had flattened all  
10 the tires on both cars and someone had written the word "cooks" on the  
11 windshields with surf wax. Whoever vandalized our cars did not know the  
12 correct spelling of the word "kook."

13         7. In the mid-1990s, my wife and I purchased a 15-foot motor boat.  
14 At that time, my primary desire was to explore the California coast and fulfill  
15 my dream of surfing Hollister Ranch in Santa Barbara County (known as  
16 "the Ranch"). I understand the Ranch is a 14,000-acre working cattle ranch  
17 and private beach community that is gate-guarded 24-hours per day. In the  
18 surfing community, however, the Ranch is known for its 8.5 miles of coast  
19 and several great surfing spots. If you want to surf the Ranch, you need to  
20 either know someone with property rights in the wealthy community who will  
21 personally escort you onto the property, or you can access the Ranch by  
22 boat from the ocean. Like Palos Verdes Estates, the Ranch has  
23 tremendous waves.

24         8. My new boat proved to be the next step in my evolution as a  
25 surfer and waterman by helping to increase my comfort in the ocean and  
26 allowing me to access new areas to fish, dive and enjoy the coast. From  
27 King Harbor in Redondo Beach, it was 20 minutes to Palos Verdes and 90  
28 minutes to Catalina. My wife and I took our new boat on excursions to Palos

1 Verdes to practice for trips to the Ranch.

2 9. On numerous occasions, we took our boat and attempted to  
3 watch the surf at Lunada Bay from the sea. But even from the water, the  
4 local surfers harassed us. They would scream curse words from the shore  
5 and water in an effort to intimidate us. There was a time that the local  
6 Lunada Bay surfers had a 10-to-12-foot dory-style row boat they would use  
7 to police the surfing line-up and harass outsiders. On more than one  
8 occasion, they used their boat to circle us and block our movement. They  
9 have threatened us from that row boat. Attached to this declaration as  
10 **Exhibits "1-2"** are pictures of that row boat that I took from my boat.

11 10. Around March 1995, I was watching a local news station  
12 broadcast involving a surfer named Geoff Hagins, his nephew, and several  
13 others who were assaulted at Lunada Bay by Peter McCullom. This incident  
14 became big news and I continued to follow the story. The story angered me.  
15 I remember that McCullom, who appeared to be a large man, had  
16 threatened several young boys who looked like they were barely old enough  
17 to be in high school. Despite his large stature, I recall he puffed his chest to  
18 appear even larger and threatened the boys by saying something like: "you  
19 won't come around here again." Simply put, McCollum and other Lunada  
20 Bay local surfers were bullying others.

21 11. On November 5, 1995, I attended "Take Back Our Public  
22 Beaches Day -- Surf Lunada Bay Peaceful Protest," a public protest of  
23 localism in Palos Verdes which was organized by Geoff Hagins. There were  
24 people on each side yelling at each other and lots of screaming. But a few  
25 Lunada Bay locals were becoming extra aggressive. It was out of control  
26 with the Bay Boys screaming and demonstrating physically threatening  
27 behavior. It seemed like the locals wanted to start a fight and it became  
28 close to a brawl. But someone called in bomb threat and the police made

1 the visitors and others on the shoreline leave the beach. Attached as  
2 **Exhibit "3"** to this declaration is a screen shot taken of a news clip show me  
3 at the demonstration. I am the person on the left wearing the sunglasses.

4 12. The first time that I surfed Lunada Bay was with my friend  
5 Brandon Doland. From what I recall, it was around 2002. We took the boat  
6 on a big swell and surfed the break called Avalanches on the south end of  
7 the bay, and is not the popular break. It was a big swell and while people  
8 were surfing the main point to the north, no one was surfing Avalanches.  
9 We caught a few good waves and were not hassled. I surfed Avalanches on  
10 one other occasion after that when my wife and I took the boat out and was  
11 not hassled.

12 13. The first time that I attempted to surf the right point where the  
13 Lunada Bay locals primarily surf, however, was quite a different experience.  
14 There were three boats in our group that day. It was windy and the  
15 conditions were not good for surfing. But since there was only one person in  
16 the water, I figured it would be a good time to give it a try. As soon as I  
17 reached the lineup, the person began to hassle me. He paddled over and  
18 stated: "So you are bringing the whole circus?" He was about 45 years old.  
19 Even though it was not crowded, this person purposefully and dangerously  
20 proceeded to drop in on me on about five waves. I am confident he was  
21 attempting to discourage me from returning by trying to make my experience  
22 that day completely miserable.

23 14. Also in 2002, localism in Palos Verdes Estates was being  
24 discussed in the papers and the internet. A father and his son had been  
25 beaten up by surfers belonging to what was known as the "Dirty Underwear  
26 Gang" at a spot called Indicator, north of Lunada Bay in Palos Verdes  
27 Estates. The Surfrider Foundation and the Chief of Police for Palos Verdes  
28 Estates publicly discussing the issue of localism. By this time, I had enough.

1 My dream of surfing Palos Verdes Estates was not worth getting beaten up  
2 over.

3 15. Twelve years later, sometime in 2014, however, I heard about  
4 the Aloha Point Facebook page and a movement started by Christopher  
5 Taloa to end localism at Lunada Bay. From what I understood, the idea  
6 behind the movement was to use social media to organize large surfing  
7 groups to plan trips to Lunada Bay by ensuring safety in numbers. The  
8 police would be informed in advance when people were going to surf. It is  
9 my understanding that the first peaceful protest organized against localism  
10 by Mr. Taloa was a paddle out on Martin Luther King's birthday in January  
11 2014. Unfortunately, I was not able to attend that event.

12 16. Eventually, I met Mr. Taloa at one of the planned gatherings at  
13 Lunada Bay. I was really excited to meet him. He is a former professional  
14 bodyboarder and one of the actors in the film Blue Crush. Ironically, he  
15 played the role of a local surfer in that film. Mr. Taloa was talking to a police  
16 officer when I arrived at Lunada Bay. There were approximately twenty  
17 locals watching. I made it a point to ensure the locals noticed me speaking  
18 with Mr. Taloa. It felt empowering. This might seem silly for a man in his 50s  
19 say such a thing but it is true. Mr. Taloa was not afraid of those thugs and it  
20 felt good to finally be a part of something that could end years of unfair  
21 exclusion in Palos Verdes Estates. Some of the locals knew me, including  
22 Angelo Ferrara, and I wanted them to know I was ready to stand my ground.

23 17. The movement started by Mr. Taloa led to a lot of chatter on  
24 social media. There were many people talking on Facebook about meeting  
25 at Lunada Bay to surf but no one would show up. I suspect this is because  
26 they were afraid.

27 18. One morning in February 2014, I went to surf Lunada Bay and  
28 arrived at 4:45 am. I walked to an area of the cliff north of the trail to check

1 the waves. Suddenly two guys walked up to me - one on each side. They  
2 stood unusually close to me, particularly since I did not know them, and  
3 stared at me trying to intimidate me. I was so frightened that I walked back  
4 to my truck but the two men followed me. The guy on my left was large with  
5 sandy blond hair and looked middle aged. The guy on my right and had  
6 brown or black hair and was thinner and younger. I did not feel safe so I got  
7 in my car and left.

8 19. March 11, 2014 was the first time that I surfed Lunada Bay since  
9 that windy day many years before. I drove there with my friend Tom Wolley  
10 who stayed on the top of the bluff with a camera and cell phone. As I  
11 walked down the "goat trail" nearest the point in front of the Rock Fort, a  
12 teenager passed me and turned around. I think it was Angelo Ferrara's son.  
13 Slowly walking backwards, the teenager said: "You are the one posting on  
14 Facebook. You shouldn't be here. Kook. You are starting shit on FB."  
15 Around this time, people were posting things on the Aloha Point Facebook to  
16 encourage outsiders to surf at Lunada Bay. I guess this kid thought I had  
17 something to do with it.

18 20. I then attempted to make my way down the goat trail to the  
19 water, but because I had never used the trail before and because it is not  
20 marked, I accidentally took a turn down a wrong extension and could have  
21 fallen. It was extremely frightening. When I eventually made it to the bottom  
22 and started putting on my wetsuit, one of the local surfers immediately got in  
23 my face. He was about 5'10 and wearing faded jeans. He was within  
24 inches of my face yelling how stupid I was and that I had no business being  
25 down there. I could feel spit from his mouth hit my face as he screamed:  
26 "Go out in the water and see what happens. You should just go now. Get out  
27 of here now. You're lucky you did not have to be rescued." After that guy  
28 left, another local came over and made similar comments. One after



1 another, still more locals would come over and say the same thing: "You  
2 shouldn't be here – you are not going to catch a wave," "go out there and  
3 see what happens." I ended up paddling out but never went to the peak in  
4 an effort to avoid them. I caught a few smaller waves while sitting in the  
5 water away from the locals. Attached as **Exhibit "4"** to this declaration is a  
6 picture of me in the surf that morning which was taken by Tom Wolley.

7       21. After I first introduced myself to Mr. Taloa in front of those  
8 Lunada Bay locals, strange things started happening. My main work  
9 territory for my tile business stretches from Hermosa Beach through Palos  
10 Verdes. I have done tile work on approximately twenty houses in Lunada  
11 Bay. But I started to notice that young men, whom I believe are associated  
12 with Lunada Bay, would walk by my job sites and just stare at me and not  
13 say a word. Another man showed up at Daltile, a place where customers  
14 purchase tile that I install, and mentioned Lunada Bay. I also got spit on in  
15 Lomita by someone in a car that I recognized from Lunada Bay. On two  
16 separate occasions, more young men who appeared to be surfers showed  
17 up in front of my house and stared. This all occurred in approximately a two-  
18 month period. I believe these are the Lunada Bay locals who are attempting  
19 to intimidate me.

20       22. I began experiencing serious emotional problems at this point. It  
21 seemed that these people were now threatening me outside of Lunada Bay.  
22 My wife was also upset. Lunada Bay localism really disturbed me and  
23 caused me great distress. I could not understand how people could be so  
24 mean, and I also did not understand how I could be denied access to a  
25 public beach.

26       23. Still undeterred, in January 2015, my brother Chris Claypool,  
27 Jordan Wright and I decided to surf Lunada Bay. We made it to the bottom  
28 of the Southern trail and were on the rocks around 5:00 am. This is an

1 easier trail to access the beach. It was still dark, and our strategy was not to  
2 respond or engage in any way to the negative attacks; no acknowledgement  
3 whatsoever. The waves were good sized, around 12 to 15 foot faces.  
4 There were about five Lunada Bay locals in the water and more than enough  
5 waves for everyone. As we paddled out, one guy who I later learned was  
6 Brant Blakeman, paddle over to us and said "Try and catch a wave and see  
7 what happens. There is no fucking way you are getting a wave. Just go in.  
8 Just go. You better not cut me off." Blakeman was riding a green  
9 kneeboard. Attached as **Exhibit "5"** is a photo of Brant Blakeman (person  
10 changing) and the green kneeboard that he was riding that morning.

11 24. Blakeman then paddled over towards my brother and continued  
12 with his rant. "Get the fuck out of here. You are dangerous. Stay the fuck  
13 away from me." My brother just put his fingers in his ears and tried to ignore  
14 him. At one point, Blakeman caught a wave and intentionally aimed his  
15 board straight at my brother Chris, just barely missing him by a few feet. I  
16 watched as Blakeman intentionally dropped in on Jordan Wright at least  
17 twice. This was extremely dangerous; Other Lunada Bay locals also  
18 purposefully dropped in on Jordan. I later learned that Jordan broke his  
19 board on one of the waves that he was dropped in on. It was clear that  
20 Brant Blakeman and the other Lunada Bay locals were threatening me,  
21 Jordan Wright, and my brother to discourage our use of Lunada Bay and to  
22 prevent us from enjoying the beauty of the shoreline and ocean. Another  
23 local, dropped into a wave and tried to run over my brother Chris.

24 25. When my brother and I got out of water, we saw people  
25 gathering on top of the bluff near the two trailheads – impeding access and  
26 movement. The people on top of the bluff appeared to know each other,  
27 and were videotaping my brother and me as we were leaving. I believe the  
28 people on top of the bluff were locals and part of the Bay Boys and their

1 videotaping of us on the bluff was an effort to intimidate my brother and me.  
2 I believe the activities by Blakeman and the others on that day were  
3 designed to discourage my brother and me and to intimidate us so we would  
4 not return. Jordan Wright remained in the water during that time.

5 26. Because my car had previously been vandalized, I purchased a  
6 video camera that can be mounted on the dashboard of my truck. On  
7 February 10, 2015, I drove to Lunada Bay to check the surf. My video  
8 camera was running. I parked behind a black pickup truck in a location that  
9 was convenient to view the waves. There was a guy talking to someone in a  
10 blue van and watching the surf. I subsequently learned that his name was  
11 Joshua Berstein. I also learned that a local named Robert Bacon owns the  
12 blue van. When I started to drive away and passed the blue van, Berstein  
13 turned towards me and called me a "kook" in an effort to intimidate me. I  
14 have seen Mr. Berstein and the Blue Van at Lunada Bay on numerous  
15 occasions. Attached as **Exhibit "6"** is a photo of the Mr. Berstein and the  
16 Blue van.

17 27. This is not the first run-in that I have had with Mr. Berstein. Early  
18 2014 while checking the surf, I parked at Lunada Bay behind his black  
19 Toyota pickup. A few minutes later, he returned to the truck and pulled a  
20 camera out and took pictures of my license plate and began making  
21 statements like: "you are the reason that this is all happening," "every time  
22 you guys from Facebook show up is when all the trouble starts," "Why don't  
23 you just go away".

24 28. The last time that I surfed Lunada Bay was on February 5, 2016.  
25 I was with Chris Taloa and Jordan Wright. Because the police had been  
26 informed that we were coming and there was a photographer from the Los  
27 Angeles Times that was going to be there, I felt that it would be safe. Also in  
28 attendance was Cory Spencer and Diana Reed. Cory was there to watch

1 the cars. Attached as **Exhibit “7”** to this declaration is a photograph taken  
2 that day by Allen Schaben. Jordan and I are wearing wetsuits heading to go  
3 surfing. You can see from the photograph that Blakeman is on the right and  
4 was videotaping us attempting to intimidate us.

5 29. On November 28, 2016, I drove to Lunada Bay to view the  
6 destruction of the fort structure. It was impressive. The company that the  
7 City had contracted with was using a helicopter to lower workers and  
8 equipment onto the beach; because access to Lunada Bay is so limited,  
9 they chose to use a helicopter. There was news media covering the event.  
10 My dash mounted video camera was running because even with the media  
11 present I would be away from my truck so I wanted to take precautions. The  
12 City had an Easy-Up Canopy for information about the project. There were  
13 two police officers and two women who worked for the City. I walked up to  
14 the booth, and the older woman introduced herself and said that she was  
15 pleased that the City was to able to beautify the coastline and restore to its  
16 natural state. She then asked if I had any questions about the work that was  
17 being done. I responded by asking what the City was doing to deal with the  
18 localism issue. At that point, the woman said she would have to excuse  
19 herself and walked away. I could tell that she was very uncomfortable.

20 30. A or two later, I learned that on the evening of November 28,  
21 2016 some people who I believe were Bay Boys, burned a generator, keyed  
22 the door of a contractor’s truck, scratched other construction vehicles and  
23 tampered with the ignition of a tractor-trailer parked on the blufftop. I  
24 immediately reviewed the video on my dash mounted video camera and  
25 discovered that there was an individual lurking around my truck the day that  
26 I was there with his face covered by a ski mask and hooded sweatshirt.  
27 Attached as **Exhibit “8”** to this declaration screen shoots of the video.

28 31. My brother and I returned to Lunada Bay on November 29, 2016.

1 We were approached by a man who introduced himself as Hank. He stated  
2 "Are you guys vandalizing equipment to make us look bad?" He continued  
3 by stating "Although I don't condone violence, just because the fort is done  
4 does not mean that it is going to be safe to surf out here." I subsequently  
5 learned that this persons last name was Harper. Shortly thereafter, the  
6 person in the video from my dash cam walked up the trail carrying a  
7 surfboard. He looked at us and walked by. He said something but I could not  
8 understand what it was.

9 32. Having watched the localism issue over the years, I am  
10 frustrated and discouraged by the way the City of Palos Verdes Estates and  
11 the police have handled it. Until just recently, City officials have publicly  
12 stated that the Bay Boys and localism were an "urban legend." I would like  
13 to be able to visit Lunada Bay to surf without fear of physical and verbal  
14 attack or the hassle of dealing with the Bay Boy bullies. I would like to be  
15 able to visit the Lunada Bay bluff, shoreline, and water to explore and surf  
16 without fear of having my car vandalized. I want the Bay Boys and other  
17 locals to be barred from using this beach for sufficient time to change  
18 attitudes and to give access to the beach back to the public.

19 33. I want the City of Palos Verdes Estates to enforce its ordinances  
20 fairly and for it to provide signage so people will know Lunada Bay is a  
21 public beach. I want the City of Palos Verdes Estates to improve amenities  
22 in a fashion that makes it safer, provides improved access to all beachgoers,  
23 and is both consistent with this rural spot, the California Coastal Act, and  
24 state and federal law. For example, access trails to the shoreline should be  
25 clearly marked to make it safer for people visiting to navigate down to the  
26 shoreline. And no person should be allowed to block the access trails or to  
27 intimidate visitors on the bluff top, on the shoreline, or in the water. I want  
28 Palos Verdes Estates police to be available to help when people are

1 unlawfully excluded. In short, I want to be able to visit Lunada Bay without  
2 being harassed. And if I am harassed, I want the City of Palos Verdes  
3 Estates police to take my complaints seriously.

4 I declare under penalty of perjury under the laws of the United States  
5 of America that the foregoing is true and correct.

6 Executed in Torrance, California on December 27, 2016.

7  
8   
9 KENNETH CLAYPOOL



# Exhibit 1



# Exhibit 2





# Exhibit 3





LUNADA BAY in PALOS VERDES CALIF 1995/96 Surf localism News  
Stories



# Exhibit 4



**southbayloco**



♥ **cwclaypool** and 1 others



# Exhibit 5





# Exhibit 6







# Exhibit 7



# Exhibit 8



## 8 stephen young

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 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF STEPHEN W.  
 YOUNG IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C



1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Stephen W. Young, declare as follows:

19 1. I resided in the Torrance Beach area of Torrance, California,  
20 about 12 miles from Lunada Bay, from 1972 to 1975. I have personal  
21 knowledge of the matters stated in this declaration and, if called as a  
22 witness, could and would testify competently as to its contents.

23 2. I was born in San Diego and grew up in Santa Barbara. I served  
24 in the U.S. Air Force after high school. I attended college while serving in  
25 the military. I then attended Cleveland Chiropractic College in Los Angeles  
26 from 1972 to 1975, during which I lived in Torrance Beach.

27 3. After 1975, I lived in Santa Barbara, the Santa Ynez Valley, San  
28 Pedro, and Santa Maria, all in California. Since 2009, I have resided in  
Santa Maria. Currently, I am a semi-retired chiropractic doctor.

4. I have been a surfer ever since I was 14 or 15 years old, and I  
am now 69 years old. I enjoy being in the water, and I like the challenge of

1 catching and riding big waves.

2 5. During 1972 to 1975, when I lived in Torrance Beach, I tried to  
3 surf at Lunada Bay to catch the big waves there. I tried going to Lunada Bay  
4 to surf about 20 to 30 times during the time I lived in Torrance Beach.

5 6. I was harassed and bullied every time I went to Lunada Bay, and  
6 there were times when I feared for my life. For example, I remember a few  
7 occasions when, after parking my car on the bluff to go surfing, the locals  
8 would physically block me from the trail. On these occasions they  
9 threatened to throw me off the cliff so I left.

10 7. Generally, I was harassed the entire time that I was at Lunada  
11 Bay. If I made it down to the water, the locals would say things such as,  
12 "You're not fucking welcome. Get your ass out of the water before we jump  
13 on you" and tell me that Lunada Bay was a private beach. In the water, the  
14 locals would violate common rules of surfing etiquette to ruin my surfing  
15 session.

16 8. On at least one occasion, I tried to take a wave when I had the  
17 right of way, and one of the men who was harassing me intentionally  
18 dropped in front of me and disrupted my ability to take the wave. Then he  
19 yelled at me for taking his wave.

20 9. I would get harassed on the beach, too. The men at Lunada Bay  
21 acted mean and tough, and they seemed coordinated. They would puff their  
22 chests at me and get close to my face, and they pushed me a couple of  
23 times. I would then leave, especially when there was more than one of  
24 them. I was afraid if I stayed that I would get jumped and beaten.

25 10. I also tried to sit on a bench that appeared to be constructed by  
26 the other surfers, as it did not appear to be a city bench. However, the other  
27 surfers told me to leave, saying things such as, "This is our area. Get your  
28 ass out of here. Get your ass off our beach."

1           11. I always drove to Lunada Bay to go surfing, and my van was  
2 vandalized several times when I parked it there. On different occasions  
3 when I was in the water, someone “keyed” the paint, ripped off a side-view  
4 mirror, broke a taillight, and punctured my tires.

5           12. I tried to complain about the harassment I received at Lunada  
6 Bay to the local Palos Verdes Estates police. Sometimes a police officer  
7 would be present at Lunada Bay, and I would tell him about the harassment.  
8 The police officer would ask, “Which one harassed you?” but it was clear the  
9 police officer was not interested in hearing the answer because all the likely  
10 people were too far away to identify. For example, officers would ask this  
11 when we were on the bluff and the harassers were down on the beach or in  
12 the water. The police did not walk down the bluff with me, nor offer any  
13 other way for me to identify for them the persons who had harassed me.  
14 After getting no meaningful response from the police and police indifference,  
15 my efforts to complain to the police seemed useless and I stopped telling the  
16 police about the harassment.

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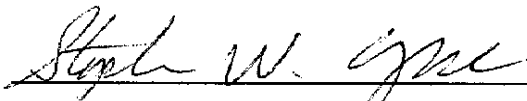
27

28

1           13. I want the aggressive Bay Boys that engage in unlawful activity  
 2 to be barred from using this beach for sufficient time to change attitudes and  
 3 for this beach to be returned to the public. I want the City of Palos Verdes  
 4 Estates to enforce its ordinances fairly, for it to provide signage so people  
 5 will know Lunada Bay is a public beach, for it to provide signage marking the  
 6 safest trails to the shoreline, and for the police to take complaints by visiting  
 7 beachgoers seriously and be available to help in case non-local beachgoers  
 8 are assaulted or otherwise unlawfully excluded from Lunada Bay. Although I  
 9 am now 69 years old, I love the California coast and I enjoy expressing  
 10 myself through surfing and visiting the beach. I want to return to Lunada  
 11 Bay; I want to be able to visit Palos Verdes Estates beaches without being  
 12 intimidated and to be safe. And if I am harassed, I want the City of Palos  
 13 Verdes Estates police to take my complaints seriously, to take steps to  
 14 identify any people that harass me, and to give citations or arrest people  
 15 who have broken the law instead of simply telling me to "get along" with the  
 16 locals.

17  
 18           I declare under penalty of perjury under the laws of the United States  
 19 of America that the foregoing is true and correct.

20           Executed in Santa Maria, California on December 22,  
 21 2016.

22  
 23   
 24 STEPHEN W. YOUNG

## 9 bruce bacon

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 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF BRUCE BACON  
 IN SUPPORT OF PLAINTIFFS'  
 MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse



1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

18 I, Bruce Bacon, declare as follows:

19 1. I am a 63-year old Southern California native and a lifelong  
20 surfer. I currently reside in Harbor City, which is roughly 10 miles east of  
21 Lunada Bay in the City of Palos Verdes Estates, California. I have personal  
22 knowledge of the matters stated in this declaration and, if called as a  
23 witness, could and would testify competently as to its contents.

24 2. I began surfing at the age of 16, and I continue to surf today. As  
25 a graduate of San Pedro High School, I was very familiar with Lunada Bay  
26 because of its proximity to my high school and the natural beauty of the  
27 location. I estimate that I have visited Lunada Bay at least one dozen times  
28 per year since I was 16 years old, either to go walking, hiking, cycling, skin  
diving, or to attempt to surf.

3. In the late 1970s and early 1980s, my friends and I attempted to  
surf at Lunada Bay, but we were never able to successfully surf because of

1 the locals. We would drive from San Pedro to the South Bay area, including  
2 Torrance, Manhattan Beach, Hermosa Beach, and Redondo Beach, looking  
3 for the place with the best surfing conditions that day. We would look for  
4 waves by driving to different locations and assessing the surf conditions. If  
5 the surfing conditions were not ideal, we would get back into our car and  
6 continue driving north to the next known surfing location. Lunada Bay was a  
7 15-minute drive from San Pedro, so we would inevitably stop there in our  
8 search for a good surf. However, we encountered so much resistance from  
9 the locals every time we went there that we eventually gave up trying to surf  
10 at Lunada Bay after about six separate attempts.

11 4. The locals at Lunada Bay would interfere with our attempts to  
12 surf in several ways. On one occasion, my friends and I exited our car to  
13 assess the waves at Lunada Bay from the bluff. Several men approached  
14 us and said, "Don't surf here." I told the men, "We're not going to surf  
15 here—we're just looking at the waves." The local men responded, "If you do  
16 try to surf here, there are going to be problems." We took that as a threat,  
17 so we left to avoid getting into an altercation.

18 5. In our subsequent visits to Lunada Bay, I observed that if I  
19 arrived with a group, the locals tended to be less aggressive. Therefore, I  
20 always tried to go to Lunada Bay with at least three friends in the car. If I  
21 was in a group of four or more, the locals would stay about 20 feet away  
22 from us. The locals would still approach us and tell us that we were not  
23 welcome there or shouldn't surf there, but they did not get as physically  
24 close when we were in a group. I also observed that when surfing  
25 conditions were not ideal, more of the locals would congregate at the top of  
26 the bluff near the parking area. They would begin harassing me and other  
27 visitors as soon as we exited our vehicles. If surfing conditions were good,  
28 however, I found that more of the locals would congregate at the bottom of

1 the trail down by the beach. I believe this was to keep visitors out of the  
2 water and to take the good waves all for themselves.

3 6. My friends and I once attempted to bypass the locals at the top  
4 of the bluff and go down the rocky trail onto the beach, in spite of their  
5 threats. However, there was such a large group of local men at the bottom  
6 of the trail that we decided that it would be safer to leave than to risk getting  
7 into a fight with them. After being repeatedly harassed and rebuffed every  
8 time I tried to surf Lunada Bay, I ultimately gave up trying to surf at that  
9 location.

10 7. Around 1997, I had another occasion to visit Lunada Bay in my  
11 capacity as a licensed contractor. I was hired by a Palos Verdes Estates  
12 development company to work on a house directly across the road from  
13 Lunada Bay. On my first day on the job, I parked my work truck on the  
14 Lunada Bay side of the road on a 25-30 foot area of dirt that is adjacent to  
15 the main asphalt road. As I was offloading my tools from my truck, three or  
16 four local men came up to me and surrounded my truck. They said, "We do  
17 damage here." I said, "Excuse me, what is that supposed to mean?" They  
18 said, "We break windows; we let the air out of tires. You know, we do  
19 damage." I told them that I was just there to do a job across the street, and  
20 they were welcome to watch me go. They did not immediately move out of  
21 my way. As I made my way past them, the local men said, "Screw you—  
22 we're watching you" as I walked across the street to my job site.

23 8. When I arrived at the job site, I immediately told my foreman  
24 about the encounter with the local men. The foreman suggested that I move  
25 my vehicle. When I went back to my truck there were about seven local  
26 men hanging around my truck. They did not immediately move out of the  
27 way when I approached. Instead, they glared at me in an intimidating way.  
28 Fortunately, I was able to get into my truck without incident, and I moved my

1 vehicle to the job site. Thereafter, the foreman would not allow any of us to  
2 park on the Lunada Bay side of the street, even though there was public  
3 parking, because he did not want our tools or vehicles to get damaged.

4 9. Around 1999, I had another hostile encounter with local men  
5 when I was attempting to surf Indicator, which is just north of Lunada Bay. It  
6 is my belief that the local men that I encountered that day were members of  
7 the same group of men who harass and intimidate people at Lunada Bay.  
8 On that particular day, my 16-year-old son and I entered the water to surf.  
9 We were met with immediate hostility. First, the local men sneered at us  
10 and asked, "What the hell are you doing out here?" Next, several men got  
11 very close to us in the water. Although they did not touch us, it was clear  
12 that they were trying to invade our personal space and make our surfing  
13 experience uncomfortable. Finally, a member of the group came very close  
14 to my son and me and began jabbing his surfboard at us. I had reached my  
15 breaking point. I told my son, "Let's just leave." I exited the water with my  
16 son, climbed to the top of the hill, and immediately called the police from the  
17 nearest pay phone.

18 10. A female police officer arrived in her patrol car to respond to the  
19 disturbance call. I identified myself to the officer as the person who had  
20 called the police. As she began to take my statement, the local man who  
21 had gotten physical with my son and me in the water was coming up the  
22 path. I told her, "That's the guy right there!" The officer instructed my son  
23 and me to go to our car and said she would handle it. The officer  
24 approached the man and I could see that they were exchanging words, but  
25 she again waved me and my son off and told us to get in our car. Therefore,  
26 I never heard what was actually said, nor did I find out if the man was  
27 arrested. The police never followed up with me for a formal statement or a  
28 police report.

1           11. The parking lot harassment of visitors to Lunada Bay has been  
2 consistent for years. Around 2010, I went to Lunada Bay for a walk with my  
3 girlfriend. There were two local men on the opposite side of the parking lot,  
4 but when we pulled up in our car, they immediately crossed to our area of  
5 the parking lot. The local men walked from about 100 feet away to stand in  
6 direct proximity of my vehicle. The men did not say anything, but they stood  
7 within arm's reach of my passenger-side door. Because there was plenty of  
8 open space in the area, I immediately knew that their actions were intended  
9 to intimidate us. The men were so close to my girlfriend's side of the truck  
10 that I genuinely felt concerned for our safety. Rather than taking a walk as  
11 we had planned, I re-started the vehicle and drove away.

12           12. In the more than 40 years that I have been visiting the area in  
13 and around Lunada Bay, I have been met with harassment, verbal assaults,  
14 physical intimidation, and threats. These actions have continued from my  
15 teenage years well into adulthood. The harassment needs to stop.

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1           13. I would like to see people have free access to the beach and the  
 2 waters of Lunada Bay without the threat of bodily harm. I would like to see  
 3 an end to the harassment that keeps teenagers and families from using the  
 4 area for sports, walking, and beachgoing. Most importantly, I would like to  
 5 see the public's right to free access of our beaches and shores restored.  
 6 Lunada Bay is being limited to and controlled by the local surfers in the area,  
 7 and I do not feel this is right. I hope that this legal action results in greater  
 8 protection for the public. The beach belongs to all of us, and we should be  
 9 able to visit without fear that a few local guys will ruin the experience for all  
 10 of us.

11           I declare under penalty of perjury under the laws of the United States  
 12 of America that the foregoing is true and correct.

13           Executed in Harbor City, California on December 24 2016.

14  
 15 Bruce Bacon

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 17 State Lic. #734593; C-33, C-36, ASB  
 18 Graduate UC IRVINE BA, ARTS/ARCH



10    michael sisson

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Attorneys for Plaintiffs  
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 REED, and COASTAL PROTECTION  
 RANGERS, INC.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

CORY SPENCER, an individual;  
 DIANA MILENA REED, an  
 individual; and COASTAL  
 PROTECTION RANGERS, INC., a  
 California non-profit public benefit  
 corporation,

Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF MICHAEL  
 SISSON IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, MICHAEL SISSON, declare as follows:

19 1. Since 1955, I have resided the South Bay area in Southern  
20 California. I have lived in various places during that time, including Hermosa  
21 Beach, Torrance, and Redondo Beach, all in California. I currently live in  
22 Redondo Beach, California. I am licensed to practice law in the State of  
23 California and in the United States District Court for the Districts of Central  
24 and Southern California. My practice areas include civil litigation, civil rights,  
25 and personal injury. My office address is 3655 Torrance Blvd, 3rd Floor,  
26 Torrance, California 90503. I have personal knowledge of the matters  
27 stated in this declaration and, if called as a witness, could and would testify  
28 competently as to its contents.

29 2. I attended Bishop Montgomery High School in Torrance,  
30 California. I received my undergraduate degree from the University of  
31 California, Los Angeles (UCLA). I attended law school at the University of

1 West Los Angeles.

2 3. When I'm not working, my family and I enjoy exploring the  
3 beach, coastal areas, and other ocean-oriented destinations. I like going to  
4 these beach locations because I like being physically active and I love  
5 spending time outdoors. Though I do not surf regularly anymore, I visit the  
6 beach weekly and I am very active in the water.

7 4. I have been aware of the localism at Lunada Bay for decades.  
8 There is a group of local surfers from Palos Verdes Estates, nicknamed the  
9 "Bay Boys," who harass, threaten, and inflict violence on non-resident  
10 beachgoers. In the surfing community, the Bay Boys are well known.

11 5. I grew up surfing the Los Angeles area beaches but I never tried  
12 to surf at Lunada Bay. I avoided Lunada Bay because it was well  
13 understood in the surfing community that the localism was extreme there,  
14 and that it was a dangerous place where I could be attacked for being a non-  
15 local. In fact, when I was 14 years old, a friend of mine was beaten up by  
16 the Bay Boys.

17 6. As an adult, I encountered the Lunada Bay localism problems in  
18 my professional capacity as an attorney. First, in the early 1990s, one of my  
19 clients, Geoff Hagins, was attacked by the Bay Boys when he tried to surf  
20 Lunada Bay. A news crew filmed the incident. Mr. Hagins and four teenage  
21 boys with him, one of whom was his nephew, were pushed, shoved, and  
22 threatened for attempting to surf at Lunada Bay. On July 20, 1995, I brought  
23 suit on behalf of Mr. Hagins and the others seeking a gang injunction against  
24 the Bay Boys, and sued the City of Palos Verdes Estates for civil rights  
25 violations, in the Los Angeles Superior Court, Case No. BC131830.  
26 Attached hereto as Exhibit "1" is a true and correct copy of the face sheet of  
27 said lawsuit. This matter settled with both the individual Bay Boys and the  
28 City, and with the City making a public proclamation that localism would not

1 be tolerated. Attached hereto as Exhibit "2" is a true and correct copy of an  
2 article I obtained from the December 1996 Edition of the Easy Reader  
3 discussing the case.

4 7. Then, in the early 2000s, my client, Tim Banas went to surf at  
5 Indicator, a beach located in Palos Verdes Estates north of Lunada Bay.  
6 He was a local painter and brought his 16-year-old son with him. Mr. Banas  
7 was attacked by several of the locals and thrown off of the stone patio the  
8 locals had built on the shoreline. When Mr. Banas hit the rocks, he injured  
9 his knee, requiring surgery to repair it. On or about February 25, 2002, on  
10 behalf of Mr. Banas, I sued Palos Verdes Estates and five local surfers  
11 seeking to enjoin these individuals from engaging in gang-like activity and  
12 from surfing Palos Verdes Estates surf breaks, including Haggerty's, the  
13 Cove, Indicator and Lunada Bay, in the Los Angeles Superior Court Case  
14 No. BC268737. A true and correct copy of said lawsuit is attached hereto as  
15 Exhibit "3". Like the lawsuit involving Mr. Hagins, this matter settled.

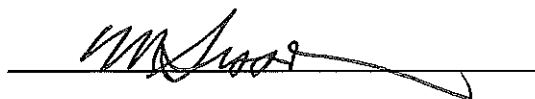
16 8. As a plaintiff's lawyer, I have observed several different people  
17 serve as Police Chief in the City of Palos Verdes Estates. In my role as a  
18 lawyer, I have had personal communications with several of them. They all  
19 essentially say the same thing: that they do not tolerate the Bay Boys'  
20 behavior and all claim to have the background and experience to remedy the  
21 Bay Boys harassment problem. However, their actions are different and it is  
22 my experience that there is never any follow-through by Palos Verdes  
23 Estates police to resolve this issue. In fact, I am aware that the Palos  
24 Verdes Estates' Police have a history of blaming the victim – this happened  
25 to more than one of my clients. Ultimately, it has been my experience that  
26 for decades the Palos Verdes Estates Police have a history of complicity in  
27 illegal exclusion of outsiders at Lunada bay and other Palos Verdes Estates'  
28 beaches.

1           9.     Lunada Bay is one of the most beautiful surf spots in Southern  
2 California. And for Los Angeles County, the Palos Verdes Estates shoreline  
3 with rock reef formations, coves, bays, and bluffs that rise from the ocean  
4 seem quite rare. I have explored these public bluffs, shoreline, tide pools  
5 and water. I would like to spend more time at Lunada Bay and share  
6 experiences there with my family and friends, but I fear physical and verbal  
7 attack by the Bay Boys. These attacks are designed to intimidate me and  
8 others who don't live in Palos Verdes Estates.

9           10.    I want the Bay Boys to be banned from visiting Lunada Bay until  
10 their attitudes toward non-resident beachgoers change and non-residents  
11 feel comfortable enough visiting the area. I want the City of Palos Verdes  
12 Estates to return this beach to the public by enforcing its ordinances and  
13 providing signage that clearly designates Lunada Bay as a public beach.  
14 And as I become older and less ambulatory, I hope at least a few Palos  
15 Verdes Estates beaches will be accessible to persons with disabilities. And  
16 importantly, I want the Palos Verdes Estates police to be available to help  
17 anyone who is unlawfully excluded at Lunada Bay and to take harassment  
18 complaints seriously by thoroughly investigating complaints and holding  
19 wrongdoers accountable.

20  
21           I declare under penalty of perjury under the laws of the United States  
22 of America that the foregoing is true and correct.

23           Executed in Redondo Beach, California on December 21,  
24 2016.

25  
26           

27           MICHAEL SISSON  
28



# **EXHIBIT 1**

MICHAEL F. SISSON - State Bar #108855  
18411 Crenshaw Blvd., Suite 100  
Torrance, CA 90504  
(310) 719-8894

ORIGINAL FILED

JUL 20 1995

LOS ANGELES  
SUPERIOR COURT

Attorney for plaintiffs

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

MICHAEL C. BERNARD, SR.;  
MICHAEL C. BERNARD, SR., on  
behalf OF MICHAEL C. BERNARD,  
JR., a minor; JOHN G. HAGINS, SR.;  
JOHN G. HAGINS, SR., on behalf of  
JOHN G. HAGINS, JR., a minor;  
TAMARA S. RIGANO, on behalf of  
CHARLIE F. RIGANO, a minor;  
DAN DISANTI, on behalf of DOUGLAS  
DISANTI, a minor;

Plaintiffs,

vs.

THE BAY BOYS; PETER MCCULLOM;  
KELLY LOGAN; DAVID HILTON;  
CHANG LEE; CITY OF PALOS VERDES  
ESTATES; DOES 1 THROUGH 200,  
INCLUSIVE,

Defendants.

BC131830  
CASE NO.

COMPLAINT FOR DAMAGES  
FOR:

1. CIVIL RIGHTS  
VIOLATIONS;
2. ASSAULT;
3. CONSPIRACY;
4. NEGLIGENCE; and
5. PERMANENT INJUNCTION

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. For the purposes of this action, John G. Hagins, Sr., was  
appointed by the above-entitled court, and now is, guardian ad litem  
of plaintiff, John G. Hagins, Jr., a minor.

## **EXHIBIT 2**

# PVE promises open beaches, Bay Boy pays surfers \$15,000

by Daniel Blackburn

A \$15,000 cash settlement will be paid to five surfers by one of the so-called Lunada Bay Boys in what may prove to be the conclusion of an enduring surfing territory war on the Palos Verdes Peninsula.

Geoff Hagins of Torrance also won a permanent restraining order preventing alleged Bay Boy Peter McCullom from "annoying, harassing or intimidating" others trying to surf at the beach.

Hagins said after the settlement compromise that McCullom "was the only one who owned up to what he had done."

Other surfers had been accused of participating in the harassment, but the settlement specified only McCullom.

Out-of-area surfers long have maintained that they are regularly harassed by local surfers when they try to recreate at Laduna Bay. Incidents of fights and slashed automobile tires have been reported.

As part of last week's settlement agreement, city officials of Palos Verdes Estates agreed to issue a public statement "denouncing localism" at all city beaches.

The settlement calls for the city council to review the statement, though Palos Verdes Estates Deputy City Clerk Robin Ford said Tuesday that she is "not aware" of a city council agenda item relating to the settlement. The next PVE city council meeting is Dec. 10.

Hagins and his four fellow surfers originally sued the city for \$7 million, claiming police were negligent in enforcement of sanctions against the Bay Boys even after numerous complaints.

Palos Verdes Estates city officials were not commenting on the settlement this

Wednesday adamantly denying laxity in the department's equal enforcement of the law.

"Our police department feels we have always enforced all applicable laws without regard for where people live, and we have gone out of our way to promote that image of equal enforcement."

The statement said it is "important that if anyone is a victim of crime of any activity up to person to bring it to out attention."

Hagins said in the settlement aftermath that "money was never the issue."

"What we wanted was a commitment from the city that they will make all Palos Verdes beaches available for everyone. Any incidents of localism at Lunada will be acted on immediately. That's a change, as far as I'm concerned, from their previous position," Hagins said.

He noted the city "has always denied the problem existed, but now they are saying that if there is a problem they will act on it. I'm satisfied they will."

Hagins promised he "will be back in court if this doesn't change," but suggested "people will be encouraged by the city to use its beaches."

Hagins said the city "fought the issue like they've never fought before, like they had something to lose."

The successful surfer said he thinks the message has been delivered, that the beaches at Palos Verdes Estates cannot be dominated by locals.

"McCullom's demeanor has been an act of contrition," Hagins said.

McCullom's lawyer, Dan Dunbar, was quoted following the settlement hearing as saying, "The bottom line is my guy feels bad about what he did. I don't think

# **EXHIBIT 3**

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4

5 Attorney for plaintiff, Timothy Banas  
6  
7

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF LOS ANGELES  
10

11	TIMOTHY BANAS,	)	CASE NO. BC268737
12		)	
12	Plaintiff,	)	COMPLAINT FOR:
13		)	
13	vs.	)	1. ASSAULT AND BATTERY;
14		)	2. CONSPIRACY;
14	CITY OF PALOS VERDES ESTATES;	)	3. VIOLATION OF CIVIL RIGHTS;
15	CHRISTOPHER L. MILLICAN;	)	4. INJUNCTIVE RELIEF.
15	AARON K. ROURKE; DAVID A.	)	
16	DICKEY; ROBERT C. JOHNSTON;	)	
16	PAUL J. HAMILTON; NICHOLAS M.	)	
17	SINCLAIR; NICHOLAS J.	)	
17	MODISETTE; DIRTY UNDERWEAR	)	
18	GANG; DOES 1 THROUGH 300,	)	
18	INCLUSIVE,	)	
19		)	
19	Defendants.	)	
20		)	

21 Plaintiff alleges:

22 1. The plaintiff, Timothy Banas, is, and at all times herein  
23 mentioned was, an individual and a resident of the County of Los  
24 Angeles, State of California.

25 2. The defendant, City of Palos Verdes Estates, is, and at all  
26 times herein mentioned was, a public entity.

27 3. Plaintiff is informed and believes and based upon such  
28 information and belief alleges that defendant, Christopher L.



1 Millican, is an individual and a resident of the City of Palos Verdes  
2 Estates, County of Los Angeles, State of California.

3 4. Plaintiff is informed and believes and based upon such  
4 information and belief alleges that defendant, Aaron K. Rourke, is an  
5 individual and a resident of the City of Palos Verdes Estates, County  
6 of Los Angeles, State of California.

7 5. Plaintiff is informed and believes and based upon such  
8 information and belief alleges that defendant, David A. Dickey, is an  
9 individual and a resident of the City of Palos Verdes Estates, County  
10 of Los Angeles, State of California.

11 6. Plaintiff is informed and believes and based upon such  
12 information and belief alleges that defendant, Robert C. Johnston, is  
13 an individual and a resident of the City of Palos Verdes Estates,  
14 County of Los Angeles, State of California.

15 7. Plaintiff is informed and believes and based upon such  
16 information and belief alleges that defendant, Paul J. Hamilton, is an  
17 individual and a resident of the City of Rancho Palos Verdes, County  
18 of Los Angeles, State of California.

19 8. Plaintiff is informed and believes and based upon such  
20 information and belief alleges that defendant, Nicholas M. Sinclair,  
21 is an individual and a resident of the City of Palos Verdes Estates,  
22 County of Los Angeles, State of California.

23 9. Plaintiff is informed and believes and based upon such  
24 information and belief alleges that defendant, Nicholas J. Modisette,  
25 is an individual and a resident of the City of Palos Verdes Estates,  
26 County of Los Angeles, State of California.

27 10. Plaintiff does not know the true names or capacities,  
28 whether individual, corporate, associate or otherwise, of DOES 1

1 THROUGH 300, INCLUSIVE, and therefore sues them pursuant to Code of  
2 Civil Procedure § 474. Plaintiff is informed and believes and based  
3 upon such information and belief alleges that each defendant  
4 designated herein as a DOE is legally responsible or liable for the  
5 acts and occurrences alleged herein, and is responsible for  
6 plaintiff's damages and injuries.

7 11. Plaintiff is informed and believes and based upon such  
8 information and belief alleges that, at all times mentioned in this  
9 complaint, each defendant was the agent, servant, and/or employee of  
10 each of the other co-defendants and was acting with each defendants'  
11 authorization, knowledge and/or consent. Plaintiffs are further  
12 informed that each defendant ratified the conduct of each of the  
13 remaining defendants (including any corporate defendants who ratified  
14 its/their agent(s) conduct through an officer or managing agent).

15 **FIRST CAUSE OF ACTION FOR ASSAULT AND BATTERY**

16 (Against defendants, Christopher L. Millican, Aaron K. Rourke, David  
17 A. Dickey, Robert C. Johnston, Paul J. Hamilton, Nicholas M. Sinclair,  
18 Nicholas J. Modisette, and DOES 1 THROUGH 50, INCLUSIVE, only)

19 12. Plaintiff realleges paragraphs 1 through 11 and incorporates  
20 the same herein by reference as though set forth herein at length.

21 13. On or about January 4, 2002, plaintiff went to surf at a  
22 popular place commonly known as "Indicator" which is located below the  
23 approximately 1400-1800 block of Paseo Del Mar in the City of Palos  
24 Verdes Estates.

25 14. To get down to the water from Paseo Del Mar, it is necessary  
26 to go down a steep trail. Plaintiff, while at the top of the trail  
27 was confronted by defendant Robert C. Johnston, among other members of  
28 the Dirty Underwear Gang (described hereinbelow) who told him to

1 leave. Plaintiff ignored Robert C. Johnston and continued down the  
2 trail towards the water. Mr. Johnston then yelled down to cohorts at  
3 the bottom of the trail something to the effect, "Kook coming down"  
4 and threw rocks at plaintiff.

5 15. At the bottom of the trail, plaintiff was confronted by  
6 defendant Christopher L. Millican who told plaintiff he did not belong  
7 there. Defendants, and each of them, abruptly began to kick and punch  
8 plaintiff his face, head, middle and extremities.

9 16. By reason of the acts of defendants, and each of them,  
10 plaintiff was placed in great fear for his life and physical well  
11 being.

12 17. As a result of the acts of defendants, and each of them,  
13 plaintiff has suffered extreme and severe mental anguish and physical  
14 pain and has been injured in mind and body all to plaintiff's damage  
15 in an amount according to proof.

16 18. As a result of the acts of defendants, and each of them,  
17 plaintiff was required to, and did, incur obligations for medical and  
18 related services reasonably required in the treatment and relief of  
19 the injuries suffered by plaintiff all to plaintiff's damage in an  
20 amount according to proof.

21 19. Defendants' conduct was willful, malicious, oppressive  
22 and/or fraudulent thereby justifying an award of punitive damages.

23 20. As a result of the acts of defendants, and each of them,  
24 plaintiff suffered loss of earnings and loss of earning capacity in an  
25 amount according to proof.

26 **SECOND CAUSE OF ACTION FOR CONSPIRACY**

27 (Against defendants, Christopher L. Millican, Aaron K. Rourke, David  
28 A. Dickey, Robert C. Johnston, Paul J. Hamilton, Nicholas M. Sinclair,  
Nicholas J. Modisette, and DOES 1 THROUGH 100, INCLUSIVE, only)

1        21. Plaintiff realleges paragraphs 1 through 20 and incorporates  
2 the same herein by reference as though set forth herein at length.

3        22. Sometime prior to January 4, 2002, defendants, and DOES 1  
4 THROUGH 100, knowingly and willfully conspired and agreed among  
5 themselves to intimidate, harass, threaten and assault and batter  
6 anybody who was not in the defendants' gang (known as, among other  
7 names, "The Dirty Underwear Gang") who attempted to surf at locations  
8 known as "Haggerty's", "The Cove", "Indicator" and "Lunada Bay"; to  
9 claim the above locations as their own, as if the defendants' owned  
10 public lands; and to disallow members of the general public to access  
11 beaches, trails and surfing locations around Palos Verdes Estates.

12        23. Plaintiff is informed and believes and thereupon alleges  
13 that the last overt act in pursuance of the above-described conspiracy  
14 occurred on January 4, 2002, and on other various dates between  
15 January 4, 2002, and continuing to the present, by virtue of the  
16 following acts:

17        A. The defendants, and DOES 1 THROUGH 50, threw rocks at  
18 plaintiff, made terrorist threats to plaintiff, and assaulted and  
19 battered plaintiff; and

20        B. DOES 85 to 100, INCLUSIVE, members of the Palos Verdes  
21 Estates Police Department, attempted to intimidate plaintiff into not  
22 pressing charges against their co-defendants, filled out police or  
23 investigative reports in a way which favored the co-defendants, and  
24 initiated false criminal charges against plaintiff's son, Thomas  
25 Banas, for coming to the defense of his father when plaintiff was  
26 being assaulted and battered by the defendants as alleged in  
27 paragraphs 13-15 above.

28        24. Prior to January 4, 2002, defendants, and DOES 1 THROUGH 100  
(hereinafter referred to in this paragraph as "gang"), vandalized

1 cars belonging to anyone who dared to park at one of the gang's  
2 surfing spots, threatened and threw rocks at non-gang affiliated  
3 surfers if they did not leave the gang's surfing spots, and assaulted  
4 and battered non-gang affiliated surfers.

5 25. As a result of the above-described conspiracy, plaintiff has  
6 suffered the damages as alleged in paragraphs 17 through 20 above and  
7 as more fully set forth in plaintiff's prayer below.

8 **THIRD CAUSE OF ACTION FOR CIVIL RIGHTS VIOLATION**

9 (Against City of Palos Verdes Estates, and DOES 75 THROUGH 100,  
10 INCLUSIVE)

11 26. This cause of action is an action brought under 42 U.S.C. §  
12 1983 to recover damages against defendants for violation of  
13 plaintiff's constitutional rights, (1) to peaceably assemble and  
14 transport himself to and from and on public property, (2) to liberty,  
15 (3) to equal protection of the laws, (4) to speak freely and to use  
16 that speech to seek legal redress, and (5) to surf.

17 27. Plaintiff realleges paragraphs 1 through 20 and incorporates  
18 the same herein by reference as thought set forth herein at length.

19 28. Defendants, DOES 75 THROUGH 100, INCLUSIVE, were at all  
20 times mentioned in this cause of action, agents for the City of Palos  
21 Verdes Estates and employed as police officers.

22 29. Defendants, DOES 75 THROUGH 100, INCLUSIVE, were at all  
23 times mentioned in this cause of action, acting in the course and  
24 scope of his/her employment with the City of Palos Verdes Estates.

25 30. Defendants, DOES 85 THROUGH 100, INCLUSIVE, are sued in  
26 their individual capacities.

27 31. For literally decades, generations of a surfer gang in  
28 Palos Verdes Estates have engaged in terrorist like activities which  
included making terrorist threats, throwing rocks, assaults, beating

1 people up, and vandalizing automobiles and other personal property.  
2 The terrorist activities were directed towards any person who  
3 attempted to surf at popular surf locations in Palos Verdes Estates  
4 known as "Indicator", Lunada Bay, "The Cove" and "Haggerty's" and who  
5 were not members of the gang (known by many names but which the  
6 plaintiff is presently informed is "The Dirty Underwear Gang").  
7 Plaintiff is informed that the gang is comprised of financially well  
8 to do residents of Palos Verdes Estates and Rancho Palos Verdes,  
9 and/or their children.

10 32. The activities of The Dirty Underwear Gang culminated in the  
11 assault and battery of plaintiff as described in paragraphs 13-15  
12 above. But for the Palos Verdes Police Department's aid to the gang,  
13 and a custom, practice and policy of either "looking the other way" or  
14 intimidating victims not to press charges against members of the surf  
15 gang, the assault and battery on plaintiff would not have occurred.

16 33. At all times mentioned in this cause of action, defendants  
17 were acting under color of state law.

18 34. As mentioned above, the Palos Verdes Estates Police  
19 Department has a custom and practice of ignoring complaints made to it  
20 by victims of crime perpetrated by the Dirty Underwear Gang. In many  
21 cases, instead of its usual policy of callously disregarding crimes  
22 committed by the Dirty Underwear Gang, the Palos Verdes Estates Police  
23 Department threatened and intimidated victims not to press charges  
24 against members of the Dirty Underwear Gang. Indeed, many of the  
25 members of the Dirty Underwear Gang are friends with members of the  
26 police department. The Palos Verdes Police Department allows the  
27 Dirty Underwear Gang to use and claim the surfing locations described  
28 herein as their own property and allows the building of non-permitted  
buildings, shacks, concrete changing areas and barbecue pits on public



1 land by the Dirty Underwear Gang for their sole use. The Palos Verdes  
2 Police Department, or at least a substantial number of its officers,  
3 view the Dirty Underwear Gang's activities as helpful to them in  
4 being "proactive" and keeping "undesirables" out of their city.

5 35. The custom and habit of members of the Palos Verdes Estates'  
6 Police Department to disregard complaints or to intimidate or coerce  
7 victims from making complaints, is so entrenched after so many years  
8 that it has become an official, albeit unwritten, policy of the Police  
9 Department, despite whatever good sounding written policies the police  
10 department has to the contrary.

11 36. In plaintiff's case, plaintiff attempted to lodge a criminal  
12 complaint against the defendants referred to in paragraphs 13-20 above  
13 but DOES 75 through 100 threatened him that he would be arrested, as  
14 would his son. In fact, plaintiff's son was thereafter charged with  
15 a crime in connection with defending his father from harm.

16 37. As a result of defendants' conduct, plaintiff has suffered  
17 the damages as alleged in paragraphs 17-20 above and as more fully set  
18 forth in plaintiff's prayer below.

19 38. The conduct of Defendants, DOES 85 THROUGH 100, was willful,  
20 malicious, and done with a reckless and callous disregard for  
21 plaintiff's federally protected rights.

22 39. Plaintiff is entitled to an award of attorney's fees  
23 pursuant to 42 U.S.C. § 1988.

24 **FOURTH CAUSE OF ACTION FOR INJUNCTIVE RELIEF**

25 (Against defendants, Christopher L. Millican, Aaron K. Rourke, David  
26 A. Dickey, Robert C. Johnston, Paul J. Hamilton, Nicholas M. Sinclair,  
27 Nicholas J. Modisette, Dirty Underwear Gang, and DOES 1 THROUGH 300,  
28 INCLUSIVE)

40. Plaintiff realleges paragraphs 1 through 11 above and

1 incorporates the same herein by reference as though set forth herein  
2 at length.

3 41. The defendant DIRTY UNDERWEAR GANG is, and at all times  
4 herein mentioned, was, a partnership or association, form unknown,  
5 that fits the description of "criminal street gang" as referred to in  
6 the California Street Terrorism Enforcement and Prevention Act  
7 starting at Penal Code § 186.21.

8 42. Defendants, and DOES 1 THROUGH 300, INCLUSIVE, are members  
9 of the DIRTY UNDERWEAR GANG.

10 43. The defendants, and each of them, are engaged in a "pattern  
11 of criminal gang activity" as that phrase is defined in Penal Code §  
12 186.22 (e).

13 44. Penal Code § 186.22a provides that every building or place  
14 used by members of a criminal street gang for the purpose of the  
15 commission of the offenses which comprise a "pattern of criminal gang  
16 activity" is a nuisance which shall be enjoined, abated and prevented.

17 45. The surf locations known as "Haggerty's", "The  
18 Cove", "Indicator" and Lunada Bay are places used by defendants for the  
19 purpose of committing their pattern of criminal gang activity.

20 46. Plaintiff requests that Christopher L. Millican, Aaron K.  
21 Rourke, David A. Dickey, Robert C. Johnston, Paul J. Hamilton,  
22 Nicholas M. Sinclair, Nicholas J. Modisette, Dirty Underwear Gang, and  
23 DOES 1 THROUGH 300, INCLUSIVE, be permanently enjoined from using the  
24 surf locations known as "Haggerty's", "The Cove", "Indicator" and  
25 Lunada Bay.

26 47. Plaintiff's action benefits the public at large and  
27 plaintiff is entitled to an award of attorney's fees pursuant to  
28 statute.

WHEREFORE, plaintiff prays for judgment as follows:

ON THE FIRST AND SECOND CAUSES OF ACTION

1. For general damages according to proof;

2. For damages for medical and related expenses in an amount according to proof;

3. For damages representing loss of earnings and loss of earning capacity in an amount according to proof;

4. For punitive damages in an amount according to proof;

ON THE THIRD CAUSE OF ACTION

5. For general damages according to proof;

6. For damages for medical and related expenses in an amount according to proof;

7. For damages representing loss of earnings and loss of earning capacity in an amount according to proof;

8. As to DOES 85 THROUGH 100 only, punitive damages in an amount according to proof;

9. For attorney's fees pursuant to statute in an amount according to proof;

ON THE FOURTH CAUSE OF ACTION

10. For a permanent injunction enjoining Christopher L. Millican, Aaron K. Rourke, David A. Dickey, Robert C. Johnston, Paul J. Hamilton, Nicholas M. Sinclair, Nicholas J. Modisette, Dirty Underwear Gang, and DOES 1 THROUGH 300, INCLUSIVE, from using the surf locations known as "Haggerty's", "The Cove", "Indicator" and Lunada Bay and from continuing their pattern of criminal gang activity;

11. For attorney's fees pursuant to the Attorney General statute;

ALL CAUSES OF ACTION

12. For costs of suit herein incurred; and

13. For such other and further relief as the Court may deem just

1 and proper.

2

3 Dated: February 25, 2002

4

15/  
Michael F. Sisson, Attorney for  
Plaintiff, Timothy Banas

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## 11 michael alexander gero

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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF MICHAEL  
 ALEXANDER GERO IN SUPPORT  
 OF PLAINTIFFS' MOTION FOR  
 CLASS CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C



1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Michael Alexander Gero, declare as follows:

19 1. I currently reside in Irvine, California, and have lived in Orange  
20 County for most of my life, including in Newport Beach, Irvine, and Costa  
21 Mesa. I am 33 years old, and I go by the name Alex Gero. I have personal  
22 knowledge of the matters stated in this declaration and, if called as a  
23 witness, could and would testify competently as to its contents.

24 2. I was born in Simi Valley, California. I attended Corona Del Mar  
25 High School in Newport Beach. I became a professional bodyboarder when  
26 I was 16 years old. I now work in custom home theater installation, and I am  
27 presently transferring as a student from Orange Coast College to California  
28 State University at Fullerton.

3. I started surfing and bodyboarding when I was 5 years old.  
Being connected to the ocean is important to me: it is a sanctuary and a  
place for me to clear my mind, enjoy the outdoors and nature, and get away

1 from everything. I like the surfing and bodyboarding lifestyle, and these  
2 activities keep me focused and working towards positive goals.

3 4. By the time I became a professional bodyboarder, I used to surf  
4 or go in the ocean to get exercise every day. At my peak, I spent more than  
5 300 days per year spending at least part of my day in the ocean. My favorite  
6 spots include 40th Street and the Wedge in Newport Beach. I also have a  
7 favorite place in each coastal city from San Diego to Santa Barbara to surf  
8 or bodyboard. As a professional bodyboarder, I have traveled to Australia,  
9 Hawaii, Mexico, Costa Rica, Indonesia, China, Japan, and Chile. Now that I  
10 am married and have children, I usually only surf or bodyboard on the  
11 weekends. But I still get invited to contests and I'm planning to compete in  
12 the 2017 Pipeline Pro contest in Hawaii in March 2017.

13 5. I have spent a lot of time in the Palos Verdes Estates area  
14 because my maternal grandparents lived there. My grandfather is an  
15 electrical engineer, and his company Nikolakopulos and Associates  
16 designed a lot of the infrastructure improvements on the Palos Verdes  
17 Peninsula. I would often visit my grandparents' house in Palos Verdes  
18 Estates on the weekends particularly because it was between Newport  
19 Beach, where I lived with my dad, and Simi Valley, where my mom lived,  
20 and I would see my mom there. I also visited my grandparents during the  
21 holidays.

22 6. I learned about the local surf spots in and around Palos Verdes  
23 Estates when I was about 8 and 9 years old since my uncle and cousins  
24 were all surfers. When I was 9 years old, around 1992, I went to Lunada  
25 Bay for the first time. My grandparents lived within a five-minute walk of  
26 Lunada Bay, and we decided to go to Lunada Bay to walk their dog. From  
27 the bluff, I saw that there were large swells in the ocean and I wanted to  
28 watch them. Within three minutes of being there, I noticed we were being

1 heckled by a couple of men nearby. Even though my grandparents lived  
2 nearby, because I was with my grandparents and interested in the water, the  
3 men yelled at my grandparents that they shouldn't come to Lunada Bay and  
4 to leave the area. They also told me not to get any ideas about telling  
5 anyone that there were good waves at Lunada Bay.

6 7. I tried visiting Lunada Bay several times thereafter. The next  
7 time was around 1994 when I was 11 years old and was visiting my  
8 grandparents for Thanksgiving. My uncle Alex ("Bo") Nikolakopulos and I  
9 went to the bluff at Lunada Bay to watch the ocean. We parked across the  
10 street from the bluff and walked to the bluff's edge to watch the waves.  
11 About 15 minutes later, we heard a strange noise, like a pop. We decided to  
12 leave then and discovered my uncle's vehicle had a flat tire—it had been  
13 punctured. My uncle also told me he had tried surfing at Lunada Bay a  
14 couple of times before but the local men were unfriendly, and he was never  
15 able to do it.

16 8. In around 1997, I tried to go back to Lunada Bay with my uncle  
17 Bo and two cousins during Thanksgiving when I was 14 years old. We were  
18 not planning to surf. We started to hike down the trail to the beach. We  
19 began to see rocks rolling by us and we thought there was a landslide. We  
20 then realized there were two men throwing rocks in our direction from the  
21 bluff. The rocks were about the size of softballs, and I was scared. We  
22 thought that perhaps the men didn't see us on the trail, so my uncle Bo  
23 yelled at them that there were kids on the trail. The men just kept looking at  
24 us and throwing rocks at us. We climbed back up the hill and there was no  
25 one there when we got to the top.

26 9. The next time I went to Lunada Bay was around 1999. I was 16  
27 years old and my friend Aaron Zide and I brought our boogie boards. We  
28 parked our Chevrolet Blazer across the street from Lunada Bay and left all

1 our gear in the vehicle so we could take a look at the waves first. Three  
2 men came out of nowhere. At first, they stood about 10 feet to the left of us  
3 and started listening in our conversation. They told us, "You guys aren't  
4 going down there, are you?" Then one of the men came over, invaded my  
5 personal space in an attempt to provoke me, and literally stood nose to nose  
6 to me. He had a moustache and shaggy, dirty blond hair. He was between  
7 5'11" and 6'1" tall and muscular, and he looked to be in his mid-20s. He  
8 said, "If you plan on going down there, don't plan on coming back up. We're  
9 going to fuck your life up beyond what you can even imagine." I didn't back  
10 down, and he started nudging me with his shoulders. I was 5'11" at the  
11 time, but only 145 pounds. I told him we were just going to go surfing. The  
12 man stared down at me and said, "No, you're not. You're not going to do  
13 anything." Another one of the men had a softball-sized rock in his hand and  
14 he was playing with it like he was going to do something with it. It was clear  
15 that this was a scare tactic. This man was between 5'8" and 5'11" tall, had  
16 short dark hair, and also appeared to be in his mid-20s.

17 10. These men said things to us like, "You don't have the right to  
18 fucking be here," "You piece of little shit," and "Don't even come back to the  
19 city." Aaron and I decided to leave, but when I walked away, one of the men  
20 threw something at me and hit the back of my right calf, causing me to fall  
21 down.

22 11. Aaron and I got to the car and began processing what had just  
23 happened. But the three men followed us, joined by a fourth. They  
24 surrounded our car; they were angry and out of control. Two men stood in  
25 front of the car hitting the hood, and two men were in the back hitting the  
26 trunk. While hitting the car, they were yelling things like, "Get the fuck out of  
27 here!" I had a cell phone at the time, so I cracked the window and told them  
28 I was going to call the police. The men backed off, but one threw a bar of

1 surf wax at my window and another said, "You're fucking lucky."

2 12. I didn't inform the police of this incident because I had heard the  
3 police weren't effective, were part of the problem, and did not meaningfully  
4 look into complaints made about the locals. I understood they would show  
5 up to the scene an hour or two later, and if they made a report, nothing  
6 would ever come of it. I also didn't want to involve the police because I was  
7 16 years old and just getting my professional career started. I didn't want to  
8 get a reputation as a snitch because I knew I would then get blocked from  
9 other surf spots and it would hurt my career.

10 13. I didn't make an effort to go back to Lunada Bay for a long time  
11 after that, but over the years, I learned about other visitors getting heckled,  
12 having rocks thrown at them, and getting pushed around.

13 14. My friend Chris Taloa tried to encourage me to go back to  
14 Lunada Bay two and three years ago. He would call me first thing in the  
15 morning and tell me the waves were good but that the Bay Boys were  
16 around. Because of my past experiences, I declined to go and wished him  
17 luck. Knowing the local bullies were there dissuaded me from enjoying the  
18 waves at Lunada Bay. I have limited time to enjoy the beach today because  
19 of work and family obligations. When I do go to the beach, I want it to be a  
20 positive experience. Because the Bay Boys control Lunada Bay and the  
21 police and City have done nothing to stop them, I didn't think it would be a  
22 positive experience.

23 15. If it were safe for me to visit Lunada Bay and I were not hassled,  
24 I would like to surf or bodyboard there. It is a unique wave with Hawaiian-  
25 style waves that break over a rock reef. To have a similar experience, I  
26 would need to travel a long distance by car or by plane. Because it is right  
27 here in Southern California, I would love to have access to Lunada Bay. It  
28 would be an amazing place to surf, and I'd like to enjoy the ocean there and

1 check it off the list of places that I've surfed.

2 16. I want the aggressive Bay Boys who engage in unlawful activity  
3 to be barred from using this beach for sufficient time to change attitudes and  
4 for this beach to be returned to the public. I want the City of Palos Verdes  
5 Estates and its police department, including Chief Kepley, to enforce its  
6 ordinances fairly, for it to provide signage so people will know Lunada Bay is  
7 a public beach, for it to provide signage marking the safest trails to the  
8 shoreline, and for the police to take complaints by visiting beachgoers  
9 seriously and be available to help in case non-local beachgoers are  
10 assaulted or otherwise unlawfully excluded from Lunada Bay. I want to be  
11 able to visit Palos Verdes Estates beaches without being intimidated and to  
12 be safe. And if I am harassed, I want the City of Palos Verdes Estates  
13 police to take my complaints seriously, to take steps to identify any people  
14 who harass me, and to give citations or arrest people who have broken the  
15 law.

16  
17 I declare under penalty of perjury under the laws of the United States  
18 of America that the foregoing is true and correct.

19 Executed in IRVINE, California on December 28,  
20 2016.

21  
22 

23 MICHAEL ALEXANDER GERO  
24  
25  
26  
27  
28



## 12 amin akhavan

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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF AMIN AKHAVAN  
 IN SUPPORT OF PLAINTIFFS'  
 MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Amin Akhavan, declare as follows:

19 1. Since 2001, I have resided in Palos Verdes Estates. I have lived  
20 in Palos Verdes Estates for 15 years. Prior to living in Palos Verdes  
21 Estates, I lived in Rancho Palos Verdes for 17 years. Currently, I am self-  
22 employed and support myself by buying and selling stocks and equities from  
23 my home. I use the name Alan Haven for business purposes. I have  
24 personal knowledge of the matters stated in this declaration and, if called as  
25 a witness, could and would testify competently as to its contents.

26 2. I am originally from the country of Iran. While I have an  
27 advanced degree and speak English fluently, I have a slight accent. I  
28 moved to the United States in 1976 and attended high school in Mount  
Pleasant, Utah. I received my bachelor's degree in electrical engineering  
from Texas Tech University and my master's degree in electrical  
engineering from University of Texas at Austin. I moved to Rancho Palos

1 Verdes after receiving my master's degree.

2 3. I go to Lunada Bay to walk my dog, a German Shepherd-golden  
3 retriever mix, about two or three times a week. I usually go in the afternoon,  
4 after 1 p.m., when I am done working. I enjoy the bluff top views from  
5 Lunada Bay, and like looking out at the ocean. On my afternoon walks, I  
6 often see other neighbors, usually women, walking. Typically, I stay on the  
7 streets and bluff top and do not venture down the narrow trails to the  
8 shoreline.

9 4. I am not a surfer, and I understand surfers usually visit Lunada  
10 Bay early in the morning or when the conditions for surfing are good.

11 5. I went to walk my dog at Lunada Bay on October 10, 2015  
12 around 10:52 a.m. On this day I drove to Lunada Bay to enjoy the peaceful  
13 ocean views. But my view on this day was interrupted when I observed two  
14 men having an animated argument on the bluff, with one man being the  
15 aggressor and throwing punches at the other. I parked my car and decided  
16 to stay in the car. I recorded their interaction on video from about 40 to 50  
17 feet away using my iPhone 6.

18 6. After learning of the beachgoer lawsuit seeking open access to  
19 Lunada Bay, I made an unedited true-and-correct copy of this iPhone video  
20 available to the attorneys for Cory Spencer, Diana Milena Reed, and the  
21 Coastal Protection Rangers. I provided this video to the lawyers for the  
22 beachgoer class because I do not like seeing people intimidated and beat up  
23 for no reason.

24 7. The man who was the aggressor and who was hitting the other  
25 man was wearing white pants and was not wearing a shirt. He was about 30  
26 to 40 years old, about six feet tall, and fit. He had short hair – almost  
27 appearing to have a shaved head. The other man, who appeared to be a  
28 victim, was wearing a T-shirt and shorts and carrying a backpack. He was

1 larger than the first man and about six feet two inches tall. He had a  
2 surfboard with him.

3 8. When I first began video-recording, my car windows were rolled  
4 up and I couldn't hear what was being said. However, I saw the aggressive  
5 man punch the victim on the head. The victim did not hit him back.  
6 Attached as **Exhibit 1** hereto is a true and correct copy of an image from the  
7 video when the aggressive man punched the victim.

8 9. I then rolled my window down. I heard the aggressive man tell  
9 the victim, "Get the fuck out of here. This is my fucking house and my  
10 fucking yard." The aggressive man punched the victim on the head a  
11 second time. The victim responded, "One more of those and I'll call the  
12 cops." The aggressive man said, "Go ahead and call the fucking cops."

13 10. Later in the argument, the two men got close to the edge of the  
14 bluff – which is steep and drops more than 100 feet to the shoreline below. I  
15 heard the victim state to the aggressive man, "Are you going to throw me off  
16 the cliff, you fucker? Are you that dumb? What good does this do?"

17 11. Soon after, the victim left, while saying, "I heard you. I got it."

18 12. During this entire interaction, about five men were standing  
19 nearby. These men were large, sun tanned, and physically fit, too. They  
20 didn't approach the pair, and they were very quiet. It appeared to me that  
21 they were friends associated with, and backing up the man that was the  
22 aggressor.

23 13. Seeing me record the incident with my window rolled down, one  
24 of the aggressor's associates approached me in my car and told me the  
25 incident was not my concern. I felt this associate's comment was intended  
26 to intimidate me. At that point, the larger man who appeared to be a victim  
27 was leaving the scene and I left, too.

28 14. I had not seen the victim before, and have not seen him since.

1 But I believe the aggressive man lives near Lunada Bay. While walking my  
2 dog, I've seen the aggressive man hanging out at the bluff before, too.  
3 While I recognize him from walking my dog in the neighborhood, I do not  
4 know his name. I have not seen him since the incident. I did not inform the  
5 police of this incident.

6 15. In my experience as a longtime Palos Verdes Estates resident,  
7 many of my neighbors enjoy the exclusive nature of our neighborhood and  
8 like it segregated. I believe that many residents do not want people coming  
9 to our neighborhood.

10

11 I declare under penalty of perjury under the laws of the United States  
12 of America that the foregoing is true and correct.

13 Executed in Tuesday, California on December 12,  
14 2016.

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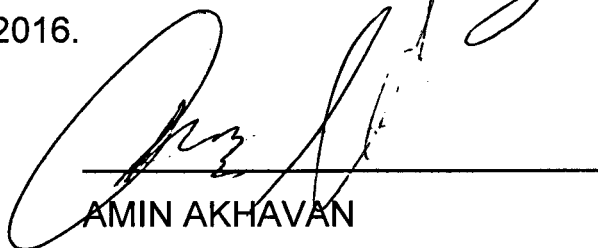
24

25

26

27

28



AMIN AKHAVAN



# **EXHIBIT 1**



## 13 joseph lanning

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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JOSEPH  
 LANNING IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C

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2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
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8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Joseph Lanning, declare as follows:

19 1. For the last 30 years, I have resided in San Pedro, California.  
20 Currently, I am a retired art director. I have personal knowledge of the  
21 matters stated in this declaration and, if called as a witness, could and would  
22 testify competently as to its contents.

23 2. I grew up in Manhattan Beach, California, and I attended  
24 Aviation High School in Redondo Beach, California. I have also lived in  
25 Torrance, Lawndale, and Redondo Beach, all in California. I attended El  
26 Camino College in Torrance where I received an associate's degree in  
27 general education.

28 3. I enjoy hiking and walking my dogs, both German shepherds,  
and I like having the freedom to hike and walk my dogs wherever I can. I  
have driven by Lunada Bay, and it's a beautiful place where I would like to  
hike or walk my dogs.

1           4.     However, for more than 30 years, while living in the South Bay  
2 area, I have heard that Lunada Bay is off-limits to outsiders and that people  
3 will be bullied and assaulted and their cars will be vandalized if they go  
4 there. Although my German shepherd dogs might protect me, I would be  
5 concerned that they would harm someone harassing me and I would be held  
6 liable. I am informed and believe that the locals at Lunada Bay will harass  
7 not just surfers but anyone who might be perceived as encroaching on their  
8 territory. For these reasons, I have avoided visiting Lunada Bay.

9           5.     On January 30, 2016, I wrote an e-mail to Palos Verdes Estates  
10 Police Chief Jeff Kepley about my concerns regarding the bullying and illegal  
11 activities of the Lunada Bay Boys. Chief Kepley responded on the same  
12 day, and said that City staff is considering options "to deal with this situation  
13 including gang-related legal remedies. ... Work continues on that front.  
14 Further, staff is assessing options related to the stone patio, which too is not  
15 as simple as one would think." Attached as **Exhibit 1** is a true and correct  
16 copy of this e-mail exchange.

17           6.     If it were safe for me to visit Lunada Bay and I were not hassled,  
18 I would like to visit Lunada Bay to hike or walk my dogs. However, because  
19 of the actions by the Lunada Bay Boys and the City of Palos Verdes Estates,  
20 I am denied access to Lunada Bay.

21           7.     I want the aggressive Bay Boys that engage in unlawful activity  
22 to be barred from using this beach for sufficient time to change attitudes and  
23 for this beach to be returned to the public. I want the City of Palos Verdes  
24 Estates to enforce its ordinances fairly, for it to provide signage so people  
25 will know Lunada Bay is a public beach, for it to provide signage marking the  
26 safest trails to the shoreline, and for the police to take complaints by visiting  
27 beachgoers seriously and be available to help in case non-local beachgoers  
28 are assaulted or otherwise unlawfully excluded from Lunada Bay. I want to



1 be able to visit Palos Verdes Estates beaches, specifically Lunada Bay,  
2 without being intimidated and to be safe in my person and property. And if I  
3 am harassed, I want the City of Palos Verdes Estates police to take my  
4 complaints seriously, instead of simply telling me to get along with the locals.  
5

6 I declare under penalty of perjury under the laws of the United States  
7 of America that the foregoing is true and correct.

8 Executed in SAN PEDRO, California on December 20,  
9 2016.

10  
11   
12 JOSEPH LANNING

# **EXHIBIT 1**

Print - Internet Explorer provided by TOSHIBA

about:blank

Print - Close Window - Click More at the bottom of the email to print single message

**Subject:** Re: Bay Boys Solution

**From:** Jeff Kepley (jkepley@pvestates.org)

**To:** jplanning@yahoo.com;

**Cc:** jgoodhart@pvestates.org; jking@pvestates.org; bpeterson@pvestates.org; jrea@pvestates.org; jvandeever@pvestates.org;

**Date:** Saturday, January 30, 2016 12:24 PM

Thank you for your email and suggestion Mr. Landing. Our City staff members are considering many options to deal with this situation including gang-related legal remedies. You may know, however gang injunctions apply to only members of the subject group. The issue remains, for enforcement and prosecution purposes, who is and is not a member of that group. Work continues on that front. Further, staff is assessing options related to the stone patio, which too is not as simple as one would think. I so appreciate your sentiments and views. We are committed to creating and maintaining access to our coastal waters for all to enjoy and end the legacy of the Bay Boys. We need and appreciate your support.

Jeff Kepley  
PVE Police Chief

Jeff Kepley

On Jan 30, 2016, at 11:41 AM, Joe Lanning <jplanning@yahoo.com> wrote:

Dear Chief Kepley,

Have you considered filing a gang injunction against these overage surf punk thugs? If they were forbidden access to the oceanfront area they have ruled over in defiance of the law for the past 30+ years, problem solved. Surely you know who they all are and can readily demonstrate to a judge that their past behavior warrants their permanent expulsion from Lunada bay and it's environs.

Also, demolishing their "fort" would be a good start, considering it is a tangible symbol of their power. Its removal, as well as an injunction, would send a strong message to the community and the world that the days of Bay Boy hegemony will no longer be tolerated or condoned by PVE. These actions would go along way to repairing the tarnished and embarrassing perception of PVE as accepting of violent localism. As it stands now, adjacent communities and the press, locally, nationally, and internationally, consider PVE a haven for illegal and violent behavior, as long as it is committed by locals.

The Bay Boys have "owned" that piece of oceanfront for 30+ years; it is considerably past time for the rest of us to have free and safe access to this section of the public coast.

Sincerely, Joe Lanning  
San Pedro

## 14    stephen neushul

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 19 REED, and COASTAL PROTECTION  
 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 corporation,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF STEPHEN  
 NEUSHUL IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

**Date:** February 21, 2017  
**Time:** 10:00 a.m.

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

13 Defendants.

**Judge:** Honorable S. James Otero  
**Ctrm.:** 10C  
1st Street Courthouse

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

15 I, Stephen Neushul, declare as follows:

16 1. I grew up in Santa Barbara and attended the University of  
17 California at Santa Barbara (UCSB) where I played water polo. I currently  
18 live and work in Santa Barbara County, having moved back to Santa  
19 Barbara from Palos Verdes Estates about three years ago. I have personal  
20 knowledge of the matters set forth in this declaration and, if called as a  
21 witness, could and would testify competently as to its contents.

22 2. I am the founder and CEO of Image Capture Review, iCRco,  
23 which creates high-resolution image management software for various care  
24 delivery systems. Among other things, using technology that I develop, my  
25 company makes and sells digital scanners used in the medical industry.  
26 Before founding iCRco, I designed deployable, sustainable, lightweight  
27 structures for use by NASA at the international space station.

28 3. I am now 54 years old but since age 21, I have been an avid



1 beachgoer and regular surfer. I am passionate about water sports and  
2 surfing, and I have surfed all over California, Hawaii, and other places  
3 around the world. I have enjoyed surfing larger waves and I enjoy surfing  
4 with family and friends. In fact, few things in life give me greater joy than  
5 surfing. Surfing is one of my most favored forms of exercise and  
6 entertainment, and is part of my lifestyle. I surf every day that conditions  
7 allow. At my peak, I probably surfed 4 days per week. When I cannot surf, I  
8 am in a worse mood and am generally less happy.

9       4. My grandfather owned a house in Palos Verdes Estates, which is  
10 where my father and my uncle grew up. My father used to surf Palos  
11 Verdes Cove on a longboard. Palos Verdes Cove, which is located within  
12 Palos Verdes Estates, is a place where a visiting beachgoer might be able to  
13 surf without undue harassment.

14       5. Although I grew up in Santa Barbara, I was aware that Lunada  
15 Bay had a reputation for "localism" where surfers from outside the  
16 community or new to the community would be threatened physically, have  
17 their property damaged, and be threatened verbally.

18       6. About eight years ago, in 2008, I purchased a home in Palos  
19 Verdes Estates near the public library. I knew that Lunada Bay still had a  
20 "locals only" reputation but I wanted to surf there and my house was right  
21 around the corner from the ocean. I understood that I might face  
22 harassment, but I believed that I was just as entitled to surf there as anyone  
23 else and my desire to surf there outweighed any fear I had.

24       7. I remember a large swell on a clear day in January or February  
25 in 2008 or 2009, shortly after moving to Palo Verdes Estates. I have a very  
26 vivid memory of how beautiful the conditions were at Lunada Bay that day.  
27 The waves were exceptionally good: three feet overhead (meaning an  
28 approximately nine-foot wave measured from the trough of the wave to its

1 crest), hollow breaking over a shallow reef, and challenging. These make  
2 for excellent surfing conditions. The waves reminded me of Sunset Beach in  
3 Hawaii, which I had surfed just a few weeks before. But instead of having to  
4 travel to Hawaii, these waves were close to my home in Los Angeles  
5 County. Indeed, they were in my new neighborhood. With my more than 20  
6 years of significant surfing experience, and given that I had just returned  
7 from surfing several weeks on the North Shore of Hawaii, the waves at  
8 Lunada Bay that day fell easily within my skill level. I was in good condition  
9 and had the ability to safely catch many waves. Notwithstanding Lunada  
10 Bay's reputation for violence and related threats, I decided to surf there by  
11 myself that day. But I was considered an uninvited guest.

12 8. I drove to Lunada Bay from my new home – approximately a  
13 seven-minute drive – and I parked my car along Paseo del Mar. I changed  
14 into my wetsuit on top of the bluff near my car and headed down a steep trail  
15 nearest the north point of Lunada Bay. As I made my way down the trail,  
16 small rocks started landing near me and one even hit my board. More rocks  
17 started coming at me as I reached the shoreline. I believed someone or a  
18 group of people were heckling me by throwing the rocks, but I ignored it and  
19 got into the water with my surfboard. I paddled straight out, south of where  
20 the waves were breaking, through deeper water. I then sat on my board  
21 while I respectfully waited for my turn to catch a wave.

22 9. Almost immediately upon paddling out, a young high-school-age  
23 surfer who I estimate was about 18 years old approached me on his  
24 surfboard and began yelling obscenities at me. I did not know him, but he  
25 started calling me a "kook" and told me that I could not surf Lunada Bay.  
26 With his threats and gestures, he was attempting to provoke and intimidate  
27 me in an effort to get me to leave. This young surfer then started shadowing  
28 my movements, as if he was assigned to me, and was sitting uncomfortably

1 close to me on his surfboard, purposefully blocking my paddling to prevent  
2 me from catching waves. An older surfer joined with similar hostile  
3 comments and movements. The older surfer became even more aggressive  
4 in his comments and actions. Their efforts appeared coordinated and others  
5 in the water then joined in. I believed they were picking on me because I  
6 was new. If this had happened on land, it would have been similar to being  
7 "jumped" in a rough neighborhood. That is how it felt to me. It felt lawless.

8 10. Then, I saw a familiar face. I saw a surfer about my age who I  
9 recognized as the real estate agent, Brooks Bennett, who had sold me a  
10 previous home in nearby Redondo Beach. He was in the water, sitting on  
11 his surfboard further away from the coast, waiting for larger waves. I yelled  
12 an acknowledgment to the familiar face and he pretended not to know me  
13 and paddled further away.

14 11. At that point, having been in the water for about 30 minutes, I  
15 was positioned for a good wave and I paddled into it. I was standing up and  
16 riding the wave first. By traditional surf standards, it was my wave to surf.  
17 But one of the local surfers purposefully dropped in on that wave right in  
18 front of me, dangerously causing me to fall over a shallow rock reef. The fall  
19 substantially damaged my surfboard and I cut my hand. In my experience  
20 as a lifelong surfer, combined with the harassment I had just suffered, I am  
21 confident the other surfer dropped in on me purposefully to ruin my  
22 experience at Lunada Bay, to discourage me from coming back, and to put  
23 me in harm's way. I believed this surfer's acts and those of the others who  
24 had been harassing me were coordinated.

25 12. At that point I had had enough and so I paddled back to the  
26 shore. As I started walking back up towards my car, my former real estate  
27 agent, Brooks Bennett, approached me from behind. He explained that I  
28 couldn't just come to Lunada Bay expecting to surf, that there was a certain

1 protocol to follow. He said that first I would have sit on my board and watch  
2 others catch waves. After some period of time of "showing respect" and  
3 only after being granted permission, I might then be allowed to surf. I was  
4 furious and found his explanation of this process to be abhorrent.

5 13. I did not file a complaint with the Palos Verdes Estates Police  
6 Department because the experience was so unpleasant that I wanted to  
7 forget about it. Unfortunately, I have been unable to do so.

8 14. A good friend of mine had a similar experience at Lunada Bay,  
9 but he has since passed away.

10 15. The efforts of the Lunada Bay local surfers that day worked.  
11 Their actions were so unpleasant and upsetting to me that I never went back  
12 to Lunada Bay to surf. I lost sleep because of it. While I have surfed all  
13 over California and the world, I have never experienced localism like that  
14 anyplace else.

15 16. Eventually, about three years ago in 2013, I moved out of Palos  
16 Verdes Estates and returned to Santa Barbara County.

17 17. I am passionate about visiting different beaches, surfing, and  
18 being outdoors. Beyond exercise, I view surfing as a way to enjoy nature,  
19 the beauty of the Pacific Ocean, and as a way to express myself. Lunada  
20 Bay is a unique, large, Southern California right-breaking point wave in a  
21 beautiful setting surrounded by urban Los Angeles. I hope to return to  
22 Lunada Bay with my children and safely surf there one day free of threats  
23 from local gang members. In my view, because it is a public beach,  
24 everyone should be allowed to enjoy it.

25 18. In addition to surfing without threats, I want the Palos Verdes  
26 Estates Police Department to enforce the law at Lunada Bay and make it  
27 safe for the public to access the area. I also want the City to improve  
28 signage, trail access, landscaping, seating, and similar amenities to make it

1 clear to the public that Lunada Bay is a public place for all to enjoy. In  
2 particular, trail improvements would help. I want to visit Lunada Bay freely  
3 without fear of the harassment that I have already suffered.  
4

5 I declare under penalty of perjury under the laws of the United States  
6 of America that the foregoing is true and correct. Executed in Santa  
7 Barbara, California on December 13<sup>th</sup>, 2016.

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STEPHEN NEUSHUL

15 james conn



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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,  
 27

28 Plaintiffs.

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JAMES CONN IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 FOR CLASS CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, JAMES CONN, declare as follows:

19 1. For the past 30 years I have resided in various cities in the North  
20 County area of San Diego, California. I currently reside in Oceanside,  
21 California. I work as a radiology technician for First Choice Mobile  
22 Radiology, and I also shape surfboards on the side. I have personal  
23 knowledge of the matters stated in this declaration and, if called as a  
24 witness, could and would testify competently to its contents.

25 2. I grew up in Huntington Beach, California where I attended  
26 Edison High School. I took the GED and then attended Orange Coast  
27 College.

28 3. When I'm not working, I enjoy visiting various beaches and  
ocean-oriented park destinations. I am a big wave surfer and have spent my  
entire life big-wave surfing in California and around the world. I surfed  
several times per week until five years ago when I got into a bad car

1 accident. I still surf a few times per month. I am actively involved in the surf  
2 community.

3 4. One place that can be especially good for big-wave surfing is a  
4 beautiful and undeveloped beach in Palos Verdes Estates called Lunada  
5 Bay. It is known for having especially large and well-formed waves during  
6 Northwest winter swells. When I lived in Huntington Beach and the waves  
7 were big, I surfed at Lunada Bay regularly from 1969 until the mid-1980s.

8 5. During my lifetime, exclusion at Lunada Bay has always been a  
9 problem. I understood that many other surfers avoided Lunada Bay  
10 because of the reputation of threats, harassment, and violence against non-  
11 resident beachgoers carried out by the local surfers (nicknamed the "Bay  
12 Boys"). I felt comfortable surfing there because I did not mind standing up to  
13 Bay Boys and did not let them push me around.

14 6. During those years when I surfed at Lunada Bay, the Bay Boys  
15 were usually there, drinking beer and sitting on top of the bluffs. They made  
16 derogatory statements toward non-resident beachgoers because they  
17 wanted to keep them away. They mostly said things such as, "Get out of  
18 here, you don't belong." I recall that the Bay Boys flattened my friend's car  
19 tires during one of our visits to Lunada Bay.

20 7. On one visit to Lunada Bay in the early-to-mid 1980s, after  
21 surfing, I walked up one of the extremely steep and dangerous cliff trails,  
22 carrying my surfboard. One of the Bay Boys standing on the cliff above  
23 threw a large rock at my face and it split open my lip. I had to get many  
24 stitches to repair my lip – and I still have a scar to this day. Aside from the  
25 physical injury to my face, I was angry and scared because I could have  
26 very easily lost my balance and fallen off of the trail and down the cliff, which  
27 would have caused much more serious injury.

28 8. I drove to the nearest pay phone which was about a mile away

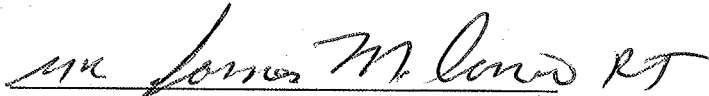
1 and reported the incident to the Palos Verdes Estates police but they never  
2 came out to help me. They seemed completely uninterested in investigating  
3 the incident. Unfortunately, the Palos Verdes Estates police's disinterest in  
4 helping me as an outsider did not surprise me because they had a  
5 reputation for being "in on it" and not helping non-resident beachgoers who  
6 were harassed by the Bay Boys. Despite the well-known bullying, I never  
7 saw Palos Verdes Estates police officers at or near the beach when I surfed  
8 at Lunada Bay. Without the police monitoring or responding to complaints,  
9 the Bay Boys' bad behavior seemed to go completely unchecked.

10 9. It is astounding to me that the Bay Boys' bad behavior continues  
11 on today. After decades of harassment and exclusion, it is time for Lunada  
12 Bay to be returned to the public.

13 10. As a big-wave surfer, I would like to be able to visit Lunada Bay  
14 to surf without fear of physical and verbal attack or the hassle of dealing with  
15 the Bay Boy bullies. I want the Bay Boys and other locals to be barred from  
16 using this beach for sufficient time to change attitudes, and to give access to  
17 the beach back to the public. I want the City of Palos Verdes Estates to  
18 enforce its ordinances fairly and for it to provide signage so people will know  
19 Lunada Bay is a public beach. I want the City of Palos Verdes Estates to  
20 improve amenities in a fashion that makes it safer, provides improved  
21 access to all beachgoers, and is both consistent with this rural spot, the  
22 California Coastal Act and state and federal law. For example, access trails  
23 to the shoreline should be clearly marked to make access safer. I want  
24 Palos Verdes Estates police to be available to help when people are  
25 unlawfully excluded. In short, I want to be able to visit Lunada Bay without  
26 being harassed. And if I am harassed, I want the City of Palos Verdes  
27 Estates police to take my complaints seriously.

1 I declare under penalty of perjury under the laws of the United States  
2 of America that the foregoing is true and correct.

3 Executed in OCEANSIDE, California on December 16<sup>TH</sup>  
4 2016.

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7 JAMES CONN  
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## 16 ricardo pastor

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17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF RICARDO G.  
 PASTOR IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017  
 Time: 10:00 a.m.  
 Crtrm.: 10C



1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18 I, Ricardo G. Pastor, declare as follows:

19 1. I grew up and live in Manhattan Beach, California. I have always  
20 had an address in Manhattan Beach although I traveled as a telecom  
21 technician for 15 years during the 1980s and 1990s. I have personal  
22 knowledge of the matters stated in this declaration and, if called as a  
23 witness, could and would testify competently as to its contents.

24 2. I graduated from Aviation High School in Redondo Beach in  
25 1975 and attended some classes at El Camino College in Torrance. I  
26 worked at LAX airport as a contractor and then as a telecom technician for  
27 phone companies. I am now semi-retired.

28 3. I learned how to surf when I was 7 years old, and I have been  
surfing ever since. I enjoy the peaceful feeling out on the water, and I surfed  
at Malibu, Ventura County, and San Onofre State Beach.

4. I decided to visit Lunada Bay to go surfing in 1982 or 1983. I

1 had parked my van at a gas station nearby because I had heard that people  
2 who parked their vehicles at Lunada Bay had their tires flattened and their  
3 windshields broken. As I was walking towards the trail to access the water  
4 at Lunada Bay, one man tried to stare me down. I tried to be friendly and  
5 continued to walk down the trail. When I got about one third of the way  
6 down the trail, I felt and saw rocks raining down on me from above. One  
7 rock hit my head; other rocks hit my surfboard. When I got to the beach,  
8 three men there told me to go back to the bluff. I said, "Forget that," and ran  
9 for the water.

10 5. Later, when I was in the water, I paddled into the lineup to take  
11 my turn at the waves. The other surfers gave me hard looks and told me to  
12 leave. They called me "kook" or "gook" and other insults. One of them said,  
13 "Get your fucking brown ass out of here. You're going to attract sharks.  
14 You're bleeding, man." I noticed I was bleeding from my head where the  
15 rock had hit me. I saw a crowd beginning to grow on the bluff and decided  
16 to leave to avoid further conflict. Attached as **Exhibit 1** is a true and correct  
17 copy of a photograph, which I took on or around November 20, 2016, of the  
18 scar on my head that I still have from this incident.

19 6. I paddled north to avoid going back up the trail at Lunada Bay.  
20 When I got to the top of the bluff, I went to the gas station where I had  
21 parked my van and called the police from a pay phone. A Palos Verdes  
22 Estates police officer arrived in a patrol car. I saw him pull something off his  
23 chest and put it into his pocket; I believe he was removing his name tag.  
24 When the police officer reached me, he asked me where I was from. I told  
25 him I was from Manhattan Beach and asked what that had to do with  
26 anything. The police officer responded, "Maybe you shouldn't be surfing  
27 here." He then said he did not want to help me make a report because,  
28 "We're not required to carry stationary."

1           7.     I never went back to Lunada Bay to go surfing. Later, in 1989 or  
2 1990, I went fishing out in Lunada Bay. People from the shore, perhaps 400  
3 yards away, threw rocks at me. Since the people on the shore were so far  
4 away, their rocks couldn't reach me, but I understood this activity as  
5 intimidation.

6           8.     I am informed and believe that visitors to Lunada Bay also have  
7 their vehicles vandalized. I have heard that they returned to their parked  
8 vehicles to find tires flattened, dog feces smeared on their vehicles, door  
9 panels kicked in, windshields scored, paint damaged by keys, rocks, or a  
10 board with a nail in it, and mirrors broken.

11          9.     If it were safe for me to visit Lunada Bay and I were not hassled,  
12 I would like to be able to go surfing there again.

13          10.    Because of the actions by the Lunada Bay Boys and the City of  
14 Palos Verdes Estates, I am denied access to Lunada Bay.

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11. I want the aggressive Bay Boys that engage in unlawful activity to be barred from using this beach for sufficient time to change attitudes and for this beach to be returned to the public. I want the City of Palos Verdes Estates to enforce its ordinances fairly, for it to provide signage so people will know Lunada Bay is a public beach, for it to provide signage marking the safest trails to the shoreline, and for the police to take complaints by visiting beachgoers seriously and be available to help in case non-local beachgoers are assaulted or otherwise unlawfully excluded from Lunada Bay. I want to be able to visit Palos Verdes Estates beaches, specifically Lunada Bay, without being intimidated and to be safe in my person and property. And if I am harassed, I want the City of Palos Verdes Estates police to take my complaints seriously, instead of simply telling me to get along with the locals.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in MANHATTAN BEACH, California on December 16, 2016.



RICARDO G. PASTOR

# **EXHIBIT 1**



17 chris claypool



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 CORY SPENCER, DIANA MILENA  
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 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 corporation,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF CHRIS  
 CLAYPOOL IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017

1 Plaintiffs,

Time: 10:00 a.m.  
Crtrm.:10C

2 v.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

Defendants.

15 I, Chris Claypool, declare as follows:

16 1. I am over the age of 18 and have personal knowledge of the  
17 matters stated in this declaration and, if called as a witness, could and would  
18 testify competently as to its contents.

19 2. I recently moved to Marina Del Rey, California. I surf two to three  
20 times per week, mostly at a beach called El Porto in Manhattan Beach.

21 3. I learned to surf in Torrance, California. I graduated from South  
22 High School in Torrance in 1997. Growing up, I primarily surfed the avenues  
23 in Redondo Beach, often with my older brother Ken. My brother and I always  
24 wanted to surf Palos Verdes. We wanted to surf a spot called Lunada Bay,  
25 but everyone knew not to go there because of the localism. I went to high  
26 school with John Hagins who, along with his uncle and several others, were  
27 assaulted at Lunada Bay by Peter McCullom. I remember watching the  
28 incident on the news. I also remember an incident where a teacher tried to

1 surf Lunada Bay and was beaten up by the locals – supposedly he suffered  
2 a broken pelvis. The rumors were that the Bay Boys knew all the police.

3 4. After high school, I started working for my brother installing tile.  
4 Many of the job sites were in Palos Verdes, and we would check out the surf  
5 at Lunada Bay and other spots. In 2011, I stopped working for my brother  
6 and started school for audio engineering. I have been employed an audio  
7 professional since 2007. I have worked for major recording artists such as  
8 John Mayer, Lady Gaga, Motor Head, Billy Gibbens and numerous other  
9 major acts.

10 5. In 2014 my brother told me about a guy named Chris Taloa who  
11 was involved in an effort to end localism at Lunada Bay. He was using social  
12 media to organize large surfing groups to plan trips to Lunada Bay. There  
13 was a Facebook page called Aloha Point where people were could post  
14 information about Lunada Bay.

15 6. On March 11, 2014, my brother Ken and a friend of his named  
16 Tom Wolley surfed Lunada Bay. My brother told me that he had been  
17 hassled, but was still excited about the experience. He talked about one  
18 wave that he caught and wanted to surf Lunada Bay again with me. He was  
19 hoping that the Aloha Point movement could make that possible. In the  
20 months that followed, my brother became more determined to fulfill his  
21 dream of surfing Lunada Bay again.

22 7. In January 2015, my brother, a guy named Jordan Wright and I  
23 decided to surf Lunada Bay. We agreed to meet at Haggerty's (a spot north  
24 of Lunada Bay). This was the first time I met Jordan. The plan was to have a  
25 group of approximately ten people for safety reasons, but only the three of us  
26 showed up. We figured the others were afraid which is, of course is  
27 understandable. We followed Jordan to Lunada Bay and parked on a street  
28 approximately ½ mile away from the trail so our cars would not be noticed.

1 We got our gear together and headed down the Southern trail.

2       8. My brother informed me that the Southern trail provides an  
3 easier to access the beach. He had an incident going down the more  
4 dangerous goat trail. Our strategy was not to respond or engage in any way  
5 to the negative attacks. No acknowledgement whatsoever. The waves were  
6 good that morning, around 12 to 15 foot faces. There were only five locals in  
7 the water and more than enough waves for everyone.

8       9. We made it to the bottom of the trail at 5:00 am. We changed  
9 into our wetsuits and paddled out across the bay. As we approached the  
10 lineup, a Bay Boy said "Don't you think you should leave? There are not  
11 enough waves for all of us." Jordan was wearing a helmet and the same Bay  
12 Boy looked at him and said "You look like you are ready to surf Waima Bay.  
13 You kook!" We were then approached by Brant Blakeman who was yelling  
14 "Try and catch a wave and see what happens. There is no fucking way you  
15 are getting a wave. Just go in. Just go. You better not cut me off." Blakeman  
16 was riding a green kneeboard.

17       10. Blakeman looked possessed or possibly on drugs. His behavior  
18 got more bizarre throughout the morning. He seemed to be paddling for  
19 every wave that he could physically push himself into, perhaps to make a  
20 point, but he was wiping out a lot and falling down the face and tumbling  
21 across the rock reef. Blakeman looked dangerous to himself. When  
22 Blakeman would actually catch and ride wave in, he would paddle back to  
23 where my brother and I were sitting, and continue his insane rant. On one  
24 occasion, Blakeman came less than 12 inches from my ear and was  
25 screaming. It was so loud, I had to put my fingers in my ear to protect them  
26 from being damaged. I am a sound engineer and to put this in perspective, a  
27 rock concert creates about 120 decibels of noise - this was louder; a jet  
28 engine create about 150 decibels.

1           11. At one point Blakeman caught a wave and drew a line aiming  
2 right at me. Another Bay Boy tried the same thing and said “mother fucker”  
3 as he narrowly missed my head. I watched as Blakeman intentionally  
4 dropped in on Jordan at least twice. It seemed obvious to me that they were  
5 jealous of his superior surfing ability and wanted to make sure none of us  
6 were having fun. Because this was getting dangerous, we decided to leave.

7           12. When we got out of water, we saw people gathering on top of the  
8 cliff. Jordan remained in the water. One person was videotaping us from the  
9 top of the cliff; it was clear to me that he was doing this to try and intimidate  
10 us. The people were watching them from the cliff. I later learned that Jordan  
11 broke his board on one of the waves that he was dropped in on.

12           13. Having watched the localism issue over the years, I am  
13 extremely disappointed in the way the City of Palos Verdes Estates and the  
14 Police have handled it. Until just recently, City officials have publicly stated  
15 that the Bay Boys and localism were urban legend. I would like to be able to  
16 visit Lunada Bay to surf without fear of physical and verbal attack or the  
17 hassle of dealing with the Bay Boy bullies. I would like to be able to visit  
18 Lunada Bay to surf without fear of having my car vandalized. I want the Bay  
19 Boys and other locals to be barred from using this beach for sufficient time  
20 to change attitudes, and to give access to the beach back to the public. I  
21 want the City of Palos Verdes Estates to enforce its ordinances fairly and for  
22 it to provide signage so people will know Lunada Bay is a public beach. I  
23 want the City of Palos Verdes Estates to improve amenities in a fashion that  
24 makes it safer, provides improved access to all beachgoers, and is both  
25 consistent with this rural spot, the California Coastal Act and state and  
26 federal law. For example, access trails to the shoreline should be clearly

27 ///

28 ///

1 marked to make access safer. I want Palos Verdes Estates police to be  
2 available to help when people are unlawfully excluded. In short, I want to be  
3 able to visit Lunada Bay without being harassed. And if I am harassed, I  
4 want the City of Palos Verdes Estates police to take my complaints  
5 seriously.

6  
7 I declare under penalty of perjury under the laws of the United States  
8 of America that the foregoing is true and correct.

9 Executed in MARINA DEL REY, California on December 29,  
10 2016.

11   
12 CHRIS CLAYPOOL  
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18 daniel jongeward



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 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF DANIEL  
 JONGEWARD IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

18 I, Daniel Jongeward, declare as follows:

19 1. I am a Southern California native and reside in Brawley,  
20 California in Imperial County. I currently work as a Licensed Marriage and  
21 Family Therapist ("LMFT") and a psychotherapist. I have personal  
22 knowledge of the matters stated in this declaration and, if called as a  
23 witness, could and would testify competently as to its contents.

24 2. When I am not working, I enjoy spending time outdoors and at  
25 the beach. I started surfing at the age of 9 or 10. I surfed competitively  
26 during my military service from 1972 to 1976 as a member of the U.S. Navy  
27 Marine Surfing Team. In the 1980s and 1990s, I surfed nearly every day.  
28 And although it is less convenient to do so now due to where I live, I still surf  
every few months.

3. In the early 1980s, I was what one would call a "big wave  
chaser." There were no online services like [www.surflines.com](http://www.surflines.com) to tell you

1 where the big waves were. Instead, a surfer would check the weather  
2 reports and try to predict where the big waves would hit. On a day in early  
3 1980, I was on the Redondo Beach breakwater when a fellow surfer told me  
4 that I should visit Lunada Bay because it had a lot of great waves. Although  
5 I did not have a surfboard with me, I decided to drive over to Lunada Bay to  
6 scout out the location.

7       4. When I arrived at Lunada Bay, at least three men stopped me  
8 and asked, "Who are you, and what are you doing here?" I was familiar with  
9 the concept of localism and had heard from members of the surfing  
10 community that the locals at Lunada Bay could be pretty hostile. I said to  
11 them, "I'm just hiking." I told them that I had heard they had big waves at  
12 Lunada Bay. They became quite defensive when I said that I had heard  
13 they had big waves. The men then said, "As long as you are not surfing,  
14 you are fine." The men left me alone for the remainder of the time that I was  
15 at Lunada Bay that day.

16       5. After that first visit, I went on to surf at Lunada Bay roughly five  
17 times over the next four years, between 1980 and 1984. Because I had  
18 already visited Lunada Bay once before, I knew how to get there and access  
19 the trail that led to the beach. My strategy was to get to Lunada Bay early in  
20 the morning before the sun came up so I could get a few good waves before  
21 the locals got there. I could enjoy myself when I was alone during the early  
22 morning surfs. However, by the time I exited the water, if the locals had  
23 arrived, then there was always trouble.

24       6. During those four years, every time I went to Lunada Bay, I was  
25 hassled. Men I believed to be locals threw rocks and dirt clods at me. I  
26 would purposely carry my surfboard over my head to try to avoid getting hit  
27 by the rocks. One time I returned to my car after surfing and found the  
28 locals had used surfboard wax all over my car windows and windshield so I

1 could not see out of my windows. Fortunately, it wiped off easily and did not  
2 cause any permanent damage.

3 7. After the surf wax incident, I began parking my car in the  
4 residential neighborhoods rather than at the beach access point. Even  
5 though parking in the residential neighborhood forced me to hike more than  
6 a quarter mile away while carrying all of my surf gear, it was the only way I  
7 could be sure that my tires would not get slashed and my car would not get  
8 damaged by the locals while I was in the water.

9 8. The local men at Lunada Bay were just as hostile in the water as  
10 they were on the trail. The men would scream and yell, "Get out of the  
11 water!" to threaten me and make my experience uncomfortable. The men  
12 would give non-resident beachgoers dirty looks any time they tried to come  
13 in or out of the water. If a non-resident came through the inside of a big  
14 wave, the local men would try to "snake" or drop in on him which means to  
15 take off in front of the surfer who is already riding the wave and is closest to  
16 the curl. This can be really dangerous for a surfer.

17 9. When the locals at Lunada Bay harassed me and told me to  
18 leave, I would walk down the trail to the beach with an attitude as if I owned  
19 the place. I learned martial arts when I was in the military, and I do not fear  
20 people. I also know that bullies often act out because they are often just  
21 scared themselves. However, there was something about this group of men  
22 that went beyond typical localism and bullying. The behavior by the locals at  
23 Lunada Bay was unique because they tried to keep everyone—even the  
24 people who could surf—out of the water if they were not from there. These  
25 men were set on causing trouble. They were genuine bullies: Their actions  
26 were planned to keep outsiders away from what they considered their  
27 beach. I did not agree with their actions or the way they treated visitors to  
28 Lunada Bay. And although the majority of my sons surf, sadly, because of

1 the actions by the locals, I never took them to Lunada Bay when they were  
2 young because I did not think it was safe to bring them there.

3 10. By the late 1980s, I chose not to surf at Lunada Bay anymore. I  
4 would only go to Lunada Bay to see it, but it was no longer safe to get in the  
5 water. I personally grew tired of surfing at Lunada Bay because I was  
6 hassled every time I entered or exited the water. Even though surfers could  
7 get big waves at Lunada Bay, the consensus amongst my friends and me  
8 was that we didn't want to do it, no matter how good the waves were. There  
9 were other places to surf that were further away and not nearly as beautiful  
10 as Lunada Bay, but it was too much trouble to go to Lunada Bay and  
11 contend with the hostility of the locals.

12 11. My hope today is that people will be able to go to Lunada Bay  
13 and not have to worry about their personal safety. I believe these local men  
14 are genuinely dangerous. If these men persist in this behavior, I am afraid  
15 somebody is going to get seriously hurt. It could be a visitor who gets hurt in  
16 the water or on the trail by a Bay Boy. Or one of those Bay Boys may get  
17 hurt when he finally encounters a non-resident beachgoer who is not going  
18 to tolerate their antics.

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1           12. I would like to see Lunada Bay opened up to the visiting public  
2 again. I think Lunada Bay is absolutely gorgeous, and it should be free for  
3 all citizens to go down there and enjoy it. I would love to do a mass surf-in  
4 with 15 or 20 men at Lunada Bay. It is sad that it cannot happen now  
5 because of the threat from the men out there.

6  
7           I declare under penalty of perjury under the laws of the United States  
8 of America that the foregoing is true and correct.

9  
10          Executed in Brawley, California on December 23, 2016.

11  
12            
13          DANIEL JONGEWARD

## 19 john hagsins



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REED, and COASTAL PROTECTION  
RANGERS, INC.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

CORY SPENCER, an individual;  
DIANA MILENA REED, an  
individual; and COASTAL  
PROTECTION RANGERS, INC., a  
California non-profit public benefit  
corporation,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JOHN  
GEOFFREY HAGINS IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION**

**Date:** February 21, 2017  
**Time:** 10:00 a.m.



1 was my first experience with violent localism. In fact, this is the only place  
2 that I have ever experienced any localism like this anywhere.

3       3. After my sister died unexpectedly of a heart attack in 1990, I  
4 stepped in to raise her two sons – who had also lost their father three years  
5 prior. Both boys are talented surfers, especially my older nephew, Hagan  
6 Kelly, who grew up in Hawaii. Hagan attempted to surf Lunada Bay when  
7 he was around 12, but he told me that the locals threatened to beat him up  
8 and threw rocks at him. Hagan returned to Lunada Bay a few more times  
9 after, and we began receiving harassing phone calls at both my house and  
10 my parents' house, threatening to kill us. I reported these phone calls to the  
11 Palos Verdes Estates Police Department, but to my knowledge the police  
12 did not follow up aside from sending a form letter response.

13       4. Around Fall of 1992/93, Hagan and his friend Ryan Page went to  
14 Indicator's in Palos Verdes to surf. Hagan told me that as he and Ryan  
15 entered the water, about 20 local kids surrounded them and threatened  
16 them with violence. As soon as I learned of this incident later that day, I took  
17 my nephew to the Palos Verdes Estates police station to report the incident.  
18 I cannot recall which specific police officer I spoke with, but the police did not  
19 seem to take our complaint seriously, and no discernable action was taken  
20 nor was a police report filed. Around this same time my son John Hagen Jr.  
21 and Hagin had the same experience at the surf spot called Haggerty's in  
22 Palos Verdes Estates. We went to the PVE police station and filed a report.  
23 We provided the police the names of the people who harassed my son and  
24 nephew but they never did anything.

25       5. Around November 23, 1993, I wrote a letter to the then principal  
26 of Palos Verdes Peninsula High School, Kelly Johnson, attached herein as  
27 **Exhibit 1**. I informed Mr. Johnson that his school's surf team members  
28

1 were among those harassing non-locals and preventing them from surfing  
2 Lunada Bay. I included a list of names and incidents, and asked Mr.  
3 Johnson for his help.

4 6. On or around January 19, 1995, I wrote a letter to the then  
5 Mayor of Palos Verdes Estates, James Nyman, attached herein as **Exhibit**  
6 **2**. The letter was to inform Mayor Nyman of the harassment suffered by  
7 non-locals at the hands of the local surfers at Lunada Bay, and to plead for  
8 the city to make the beach accessible to the public. In the letter, I informed  
9 Mayor Nyman that I intended to file suit against the city of Palos Verdes  
10 Estates and whoever else that failed to take action against the violent locals.

11 7. Around March of 1995, I contacted Channel 13 about the  
12 localism problem at Lunada Bay and the station agreed to film a news story.  
13 On March 13, 1995, a news crew accompanied myself and six other  
14 individuals to Lunada Bay and filmed the events that transpired. When we  
15 arrived, one of the people that I was with, Mike Bernard, recognized a Bay  
16 Boy who was on the bluff named Kelly Logan, who said we got a pass that  
17 day because they knew each other. As we were coming back up the trail,  
18 Bay Boy Peter McCollum approached me, screaming, "Don't surf on the hill."  
19 He was pounding his fists very close to my face as he told me, "This is what  
20 will happen to you if I see you again." He continued to yell numerous things,  
21 including, "Come back and you will be killed." He then assaulted me, all of  
22 which was caught on camera.

23 8. Before I went to Lunada Bay with the Channel 13 crew on March  
24 13, 1995, I called Palos Verdes Estates Police Lieutenant Ed Jaakola earlier  
25 that day and informed him of our plans to come film. I told him based on our  
26 past experiences we would likely have problems with the locals, so a police  
27 presence would help ease any potential conflicts. He told me, "Call us if you  
28

1 have any problems.” The only police present that day was an officer patrol  
2 car which drove by as we first arrived and never came back.

3 9. On March 16, 1995, I met with Sergeant Blee at the Palos  
4 Verdes Estates police station. My nephew and sons were with me, and  
5 Sergeant Blee asked everyone but me to leave the room. Sergeant Blee  
6 showed me a lineup of photos, and I identified Peter McCollum as the  
7 person who had assaulted me. Sergeant Blee told me, “every letter [I wrote]  
8 ends up on his desk,” and that the police could not help me on this case if I  
9 did not stop writing letters.

10 10. On November 5, 1995, I organized “Take Back Our Public  
11 Beaches Day -- Surf Lunada Bay Peaceful Protest,” a public protest of  
12 localism in Palos Verdes. The focus of the protest was to demand equal  
13 access for everyone who wanted to surf Lunada Bay. It had a large turnout;  
14 somewhere around a hundred people. However, someone called in a bomb  
15 threat and the police made the protestors and other spectators on the  
16 shoreline leave the beach. Attached as **Exhibit 3** is a copy of a flyer that  
17 was used to promote that event. **Exhibit 4** is a photograph taken of the  
18 event showing the turnout.

19 11. In 1995, I contacted attorney Mike Sisson and told him we had  
20 footage and documentation of the harassment and illegal conduct of the  
21 locals in Lunada Bay. With Sisson’s help, I filed a lawsuit against the city of  
22 Palos Verdes Estates for failing to do anything about the localism problem in  
23 Lunada Bay. We eventually reached a settlement agreement with the city,  
24 in which Palos Verdes Estates agreed to take action against the localism  
25 problem and make the beach accessible to the public. To my knowledge,  
26 the city did not follow up on its end of the deal.

1           12. In 1996, Peter McCollum was arrested on misdemeanor assault  
2 charges for the March 13, 1995 incident. McCollum was convicted, fined  
3 \$15,000, and given two years' probation.

4           13. On January 19, 1999, I drafted a letter to Daily Breeze after the  
5 Palos Verdes Estates police towed my son's car for expired tags. My son  
6 told me that the police watched as he put on his wetsuit and went into the  
7 water before towing the car. I believe the towing was in retaliation for  
8 bringing my lawsuit.

9           14. I watched a video on surfer localism, *The Swell Life*, that had an  
10 interview with former Palos Verdes Estates Police Chief Tim Brown where  
11 he discussed the March 13, 1995 incident involving myself and Peter  
12 McCollum. I was disappointed because he was blaming us for what  
13 happened, which is surprising considering his own police department  
14 arrested McCollum. Therefore, I believe the city is still part of the problem  
15 and always has been. In the video, Tim Brown says about Lunada Bay,  
16 "People here do not like outsiders in general...I mean, they pay a price to  
17 live here. They have beautiful views of the ocean from most of the homes in  
18 the city...so they are protective of their community as a whole, surfers or  
19 non-surfers. The people that live in and around that area that surf there do  
20 not want pictures taken because it is a gem. They don't want people to  
21 know specifically where it is. If everybody knows where it is, they have all 8  
22 million surfers from Los Angeles there in that tiny little cove...there is a  
23 sense of this ownership that's really connected to their feelings about it." In  
24 response to that interview, I sent a letter to Chief Browne. A copy of that  
25 letter is attached as **Exhibit 5**.

26           15. Several of the Bay Boys have actually defend the localism  
27 practiced at Lunada Bay in the surfing publications and other media.

Attached as **Exhibit 6** is an interview Bay Boy Frank Ferrara gave to Surfer Magazine in 1991 with writer Ben Marcus. In the interview Ferrara talks about localism at Lunada Bay. Page two of this exhibit is a letter a reader, Don Boller, sent into the magazine the following month in response to the interview; Mr. Ferrara's response is on page three and he refers to himself as a "Protector of Palos Verdes" and states that "It is protected by the Pirates that live here. That's why there are no kooks like you." Attached as **Exhibit 7** to this declaration is an article published on May 5, 1995 in the Easy Reader where a long time Lunada Bay local named Jim Russi, who worked for Surfer Magazine, is interviewed regarding localism. In the article, Russi admits to harassing people at Lunada Bay when he was younger. Russi blames me and my nephew for what McCullum did and justifies the actions of the localism as follows: "We don't want to see a lot of inner city gang stuff going on here." Finally, attached as **Exhibit 8** to this declaration is a letter that I sent to Chief Tim Brown on February 1, 2003 which informs him of all the publications that Bay Boys had made statements about Lunada Bay and localism. A partial list of names includes: Bill Kaemerle, Mark Griep, Angelo Ferrara, John Rall, Peter McCollum, David Hilton and Zen Del Rio.

16. To this day, I still receive threats from people who either surf Lunada Bay or are associated with people who surf Lunada Bay on social media. I suffered emotionally because what I went through. I simply wanted to enjoy a public beach and was put through hell by a bunch of thugs.

17. On or around December 11, 2015, I wrote a letter to Palos Verdes Estates Police Department Police Chief Jeff Kepley. I wrote about the harassment I experienced at the hands of the Lunada Bay locals, and



1 the Lunada Bay locals, and again pleaded for the police department to take  
2 action against the localism problem.

3 18. I believe that the Bay Boys will continue to harass, attack, and  
4 intimidate anyone who attempts to surf Lunada Bay as long as their behavior  
5 goes unchecked. The city of Palos Verdes Estates and its police  
6 department have been fully aware of the Bay Boys illegal conduct but have  
7 blatantly ignored it. I want all surfers to be able to safely surf at Lunada Bay  
8 and have access to the beach as a public resource without fear of  
9 harassment or intimidation. I believe that as a public beach, all should be  
10 able to enjoy it. I believe that the City should be forced to comply with the  
11 Coastal Act and at a minimum, put signs up that show the public how to get  
12 to the beach are, improve the trails to the beach and make them safe, have  
13 video cameras monitor activity and ban the Bay Boys from accessing the  
14 beach for a period of 3 to 5 years.

15 I declare under penalty of perjury under the laws of the United States  
16 of America that the foregoing is true and correct.

17 Executed on this 29 day of December, 2016, at KANSAS CITY, MISSOURI

18  
19 John Geoffrey Hagins  
20 JOHN GEOFFREY HAGINS  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit 1

November 23, 1993

Geoff Hagins  
10060 Sunset Blvd  
LA CA 90077  
(310) 273-9749

PVPHS  
27118 Silver Spur Road  
Rolling Hills Estates, CA 90274  
(310) 377-4888

RE: PV Peninsula High Surfers who terrorize the hill spots.

Mr. Kelly Johnson;

This letter is in regards to a long standing problem of PV Surfers who, antagonize anyone who surfs up in PV, they do not approve of. Now, that you have a Surf Class and Team, that practices, at the local beach breaks, this is even more insane than it ever was.

I am the co-coach of South High Schools team and a long time surfer who has never understood this mentality, especially when these guys have always Surfed year round at the beach breaks when the hill does not break or when they are learning.

My nephew and son have been long targets of kids at your schools wrath because they are jealous and hateful. Now that you have a program, things must change. After four years of this harrassment, enough is enough. On Nov. 21 kids from your school called my 11 year old son who was home alone, threatening to kill his brother and him. These same guys used to call my dads home telling my nephew who just lost his parents that "they killed his Mom" or that they were glad his parents were dead".

Recently on Oct. 26 about 10 kids on your surf program surrounded two guys from ours and told them they "Would be beaten up if they paddled out". You might ask how I know its guys from your school? Because I have Surfed actively I have actually heard and been a eyeball witness to some incidents. I know who is largely responsible, and have listed names and incidents on the next page.

The Police were notified on several occasions, reports were filed. Because I know the local surf scene so well, I hold your Jr. & Sr. class much to blame. Many kids up there while not actively participating, know this goes on and condone it. If you hang with a Nazi, you are just as bad.

Hope you can help.

Sincerely  
  
Geoff Hagins

# Exhibit 2

1-19-95

Geoff Hagins  
21325 Samuel St.  
Torrance CA 90505  
(310) 373-9057 hm.

PV City of  
340 PV DR. W.  
PV Estates CA 90274  
(310) 378-9383

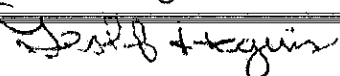
RE: Criminal Activity of PV Surfers

Mr. Mayor James Nyman;

This letter is to inform you that the beaches on Paseo Del Mar known as Lunada Bay and Indicator Point are supposed to be open to the public and have public access. As you may know you have a group of Surfers up there who for years have committed crimes against anyone they consider a outsider. It is not safe to go to these areas. My family has been subject to five years of harrassment. The police never seem to catch these people. This letter is to let you know that I intend to file a Suit against your city and whoever else fails to protect the public from these people.

My father taught at PV High from its opening to end and I have lived around here for over thirty five years. There are many like me who are very sick of this activity. These same individuals aslo go down and surf the local beach breaks or wherever they like. Your city needs to protect the public. I will take whatever steps needed to win this fight. If you would like I will detail many, many instances of this type of criminal activity. I hope you can possibly return with ideas that may prevent me from going to court. I have five kids and I want to protect my family.

Best Regards



Geoff Hagins

P.S. Enclosed is a story that underscores the problem.

# Exhibit 3

# **Join Us In Taking Back Our Public Beaches!**

# **Surf Lunada Bay Day**

**Take a stand against the terrorist-like activities of Lunada Bay surfers,  
who have blocked access to this public beach, vandalized vehicles,  
delivered physical and verbal abuse and denied citizens  
of their civil rights for more than 20 years.**

**This will be a PEACEFUL/NONVIOLENT surfing session at Lunada Bay.**

**Sunday  
November 5, 1995  
2:00 p.m.  
Torrance Beach Parking Lot**

**Meet at the South End of Torrance Beach Parking Lot at 2:00 p.m.  
Then we will go as a group to Lunada Bay.**

**Lunada Bay is located at the 2000 - 2600 Block of Paseo Del Mar, Palos Verdes**



# Exhibit 4



1995 LUNADA BAY SURF PROTEST

# Exhibit 5



8/23/02

Palos Verdes Police Dept.  
Palos Verdes Estates, Calif

Police Chief Timm Browne;

Recently it has come to my attention that, YOU were interviewed for a USC students documentary film on Surf Localism. In that interview which was filmed, you made the statement that, There was a incident that was provoked a few years ago. The incident you were referring to was, when I took the channel 13 News crew to Lunada Bay on March 13, 1995.

This outraged me! And is further proof of why the problem got to be so bad. Heres a High Ranking Palos Verdes Police official all but saying that locals were justified!

As a Policeman here are some facts you ought to know before you run your mouth:

1. Why would Mike Bernard Sr. and I risk getting our kids and thier friends beat up by 6'4" 200 lb Idiots?
2. We filmed with Channel 13 at Torrance Beach for 45 minutes before we went to Lunada Bay. Why did no people hassle us at Torrance Beach? Because it is a true public beach. Where no one cares if you bring a group or cameras.
3. When we started for Lunada Bay, I first called Lt. Ed Jaakola and told him we were on our way with a News crew and we might have some problems. He did nothing and knowing the history of the place he should have!
4. When we got to Lunada Bay we never tried to speak to any Locals. We just went surfing.
5. From 1990 to 1995 my nephew Hagan Kelley was harrassed at Haggertys and the Cove. My parents had two Torrance Police phone traps due to threatening calls from PVE Surfers. My parents and sister Rachel all took many death threat calls from PV Surfers between 1990 and 1995. I made numerous reports to the PV Police when my nephews and sons each got attacked. My nephew Hagan Kelley and a friend were run out of Indicators. That night in 1993 I went to the PV Police and got nothing done. I then around dark drove to Indicators and then Lunada Bay. When I got to Lunada Bay there were over 100 surf locals standing on the cliff. They were drinking and celebrating the first big swell of the season. It was then that I realized that the whole city was in on it!
6. I was first attacked at Lunada Bay since 1970. Because these guys have provoked us. According to YOU I am justified in what ever I do Back?

# Exhibit 6



# SURF

Frankie Ferrara  
34  
Palos Verdes, CA

*How long have you lived in Palos Verdes?*  
I've been here since 1968, living on the Peninsula.

*What is your local spot?*  
Just call it...secret spot.

*There was an article a few months ago in the L.A. Times that called the Palos Verdes surfers a bunch of elitist gangsters. As a P.V. guy, what do you think of that?*

I think Palos Verdes is a beautiful surfing spot and that some of the people who have come up there in the past haven't really respected it. If they would give some respect and understand the guy farther back or the guy next in line has the wave, it wouldn't be so bad.

*But the complaint from visitors is they're not even given a chance to prove themselves. They're run out or hit with rocks just trying to get to the beach.*

Look what happened to Malibu, Trestles, Rincon; there's five or six guys on every wave. The guy's who surf out in the Palos Verdes area—guys who've been there 20 years—they've seen what happens. One guy comes and surfs it, and then he brings two or three guys and they bring three or four of their friends and it snowballs and gets out of hand. That's exactly why we want to protect it.

*As far as the pecking order goes at Palos Verdes, are you on the upper rung?*

There are some older guys that surf there, but we're still fanatics. I keep my surfboards in my truck, and if the surf's good when I'm driving to work, I stop. I'll surf for two or three hours then go to work, then go surfing again for two or three hours that evening. When the bell rings we all just go surfing.

*Who would you list in the Palos Verdes Hall of Fame?*

Oh God. What a question. I'll tell you something, there's so many good surfers out there. I'd name my brother Angelo Ferrara, Danny and John Camplin, and, are you ready for this name? Slade Fester. That's his name, the guy rips. Uncle Fester. Another guy who hasn't surfed up there in a while, but he'll blow out if he gets his name in there, is Jeff Summerall.

*You guys don't feel the need for exposure?*  
No, we don't. It's been so nice, and we want to keep it that way. I've got two little boys who are seven and five and I hope one day they'll be out there shralping and tearing it

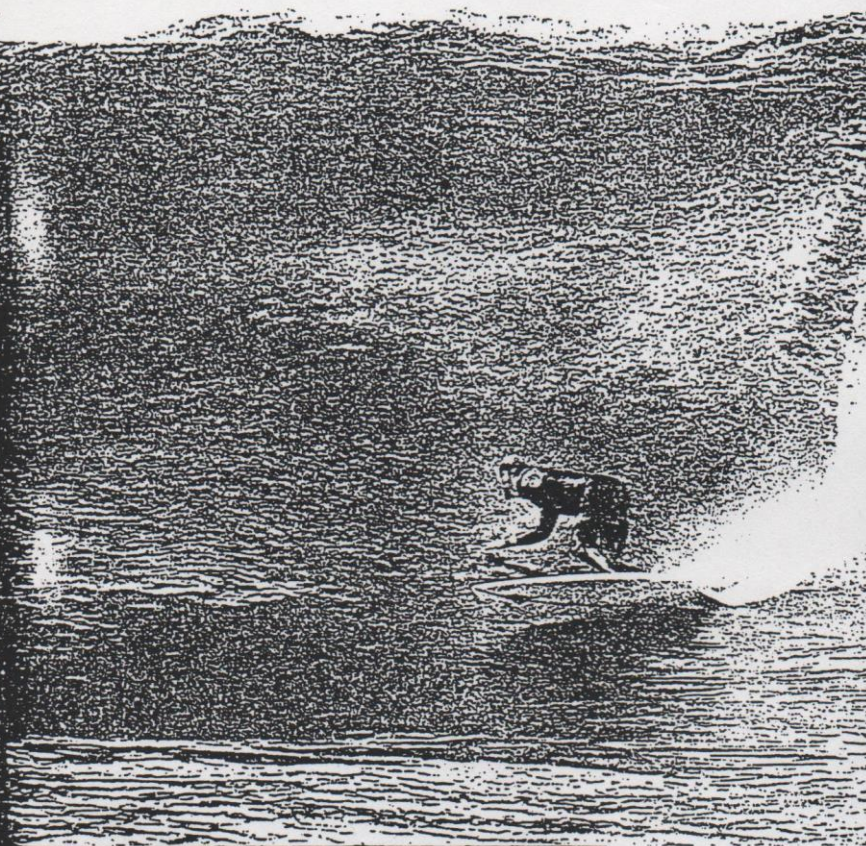


photo: jim russi.



photo: steve tadlin.



**TEACH THE CHILDREN WELL** This letter is to Frankie Ferrara, a so-called "protector" of Palos Verdes ["People Who Surf," December 1991]. I used to think that most of the local jerks left in California were kids who really didn't know any better, but you're 34, for God's sake! When are you going to wise up? Let me clue you into something: Nobody owns the surf or the beach. And although you may have lived in the area for more than 20 years, you have absolutely no right to claim anything. I hope you don't travel, Mr. Ferrara. If you do, I hope the locals throw rocks and spit on you. After all, how can you expect to be treated any differently than you treat others?

I think it's nice that you're going to show your sons uncrowded waves, but it's too bad you won't show them something far more important: the difference between right and wrong.

**Don Boller**

**Long Beach, CA**



**TODAY'S LESSON: DON'T BE A KOOK** Responding to the "Teach the Children Well" letter [February 1992] by the kook Don Boller of Long Beach, California. I know there is no surf in Long Beach, Don, so now I know why you have to travel to surf. That's your problem, not mine.

I am a protector of Palos Verdes. It's also protected by the pirates who surf there. That's why there are no kooks like you! As for traveling, I've done plenty, but have never been spit on or had rocks thrown at me. As for owning the ocean, see your local Coastal Commission. Maybe they can help. Concerning the teaching of right and wrong, sounds like you should grow up, be responsible, and judge your own life. Not mine.

Don't be a kook.

**Frank Ferrara**

Lunada Bay, California

x

# Exhibit 7

# A Bay Boy explains localism: "A great sense of community here"

by David Hunt

Jim Russi is a local. He grew up on the hill and lives in Lunada Bay. He surfs there too.

To Russi, the localism at Lunada Bay is a natural part of surf culture. As a photographer for Surfer magazine, Russi travels all over the world. And he's seen similar situations in Hawaii, Brazil and Australia.

"I don't think it's right," he said in an interview Monday. "But I think it's human nature to be territorial."

On a worldwide scale, Russi doesn't think Lunada is that bad. He cites Hollywood by the Sea in Ventura County as the worst place in Southern California for localism.

Russi said he harassed surfers at Lunada Bay when he was younger. "But that was so long ago, I don't even remember when," he added.

He said the harassment stems from a desire by locals to preserve the beach for their own use, especially during the winter when the surf is exceptional.

"We feel a great sense of community here and we need to protect it. I can tell you about places that get overrun by outsiders," he said.

"The waves are Lunada are very prized," Russi said. "Now, even with just the local surfing, I may only get four or five waves on a good day. But those waves are unreal."

Russi said residents in the neighborhood support localism because "surfing attracts an element of undesirables" and the locals keep these undesirables away.

"We don't want to see a lot of inner city gang stuff going on here. We don't want a bunch of people coming to cause trouble."

Russi said he was angry that 16-year-old surfing champion Hagen Kelley, his uncle Geoff Hagins, and a group of friends came to Lunada Bay in March to surf. The group was turned away by locals, despite the presence of a news crew from channel 13. (The incident resulted in the arrest of local Peter McCollum on charges of assault and battery.)

"Hagins is a real troublemaker," Russi said. "He's a bully. He came down with a gang of kids,

including a Boogie boarder. There's never been a Boogie boarder at Lunada Bay."

Russi said that there are certain rules in surfing that pertain to local surfing spots. "If you

>13

## A non-local responds: "Lunada is the worst"

by David Hunt

Geoff Hagins is not a resident of Palos Verdes Estates. But he wants to have the right to surf Lunada Bay whenever he feels like it.

He doesn't want to "pay his dues" or "play by the rules" in order to earn the right to surf.

Hagins believes he has that right already. Hagins is a "troublemaker," according to at least one local.

In an interview Monday, Hagins said he's surprised that some people try to justify the harassment at Lunada Bay as a part of surf culture.

"It's against the law," he said.

at the annual meeting of the Community Association of the Peninsula (CAP) last week.

Borks was honored with the 1996 Agnes R. Moss Volunteer Award for her years of involvement with CAP programs. She has served on the board of trustees as secretary and financial secretary and chaired numerous committees.

The award is named for the founder and first president of CAP and is presented annually.

>13

"We shouldn't have to argue about it."

Hagins finds it ridiculous that the locals think they own the beach. "The law says that everyone has a civil right to use that beach. They're just a bunch of spoiled rich guys who think that laws don't apply to them," he said.

He reacted strongly to remarks by one local that the beach should be protected for use by locals only.

"Are you telling me that Mr. Bernard, a Vietnam vet who fought for this country, can't at Lunada Bay?" he asked.

## Russi

<12

choose not to play by the rules, then you suffer the consequences. That's part of the game. It's the way it is," Russi explained.

Russi said it may be possible for a non-local to surf at Lunada, if they handle themselves properly.

"You can't just come down in a big group and think you're going to take over," he said.

His advice to surfers who want to surf Lunada? "I tell my friends to go on a big day, take a big board, and call me up to go with you." *ER*

## Hagins

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Hagins laughed at a suggestion that the locals keep the area clean and safe. "There must be a thousand beer cans littering that beach," he said.

He also disputed the idea that localism was common throughout California. "Lunada is the worst," he said.

Hagins criticized the city for failing to solve the problem. "All they need to do is have a foot patrol at the beach in the winter

# Exhibit 8

2/1/03

Palos Verdes Police

Police Chief Timm Brown;

Things have calmed down with the Terrorist surf locals at Palos Verdes Estates spots like Indicators and Lunada Bay? You could probably expect they would lie low this winter and then slowly get back to business as usual in the future. If you want to really keep it calm, the enclosed interview with Palos Verdes Bay Boy leader Frank Ferrara could be of use. This interview was from Surfer Magazine in 1991 with writer Ben Marcus. If you take the time to read this interview, you will see that this is the kind of older mentor PV Local that causes your problems. This is no stupid kid! This is a Adult with children? Also listed here are names of other Palos Verdes Locals who have been quoted in the press, stating similiar views.

Mark Griep L.A. Times article 7/5/91  
John Givens L.A. Times article 7/5/91  
Bill Kermerle L.A. Times article 7/5/91  
John Rall L.A. Times article 7/5/91  
Peter MCollum L.A. Times Article 7/5/91

Angelo Ferrara Daily Breeze article 5/28/87  
Steve Alden Daily Breeze article 5/28/87

Surfing magazine letter 1971  
Richard Schmidt

Surfing Magazine article on PV surf localism 1992  
Tom Turner  
Bruce Turner  
Zen Del Rio  
Slade Fester

Easy Reader article Hamburger Hill 4/28/94  
Chris Brederson  
Vince Kirby  
Timm Hall  
Easy Reader Article 2/2/95  
David Hilton  
Easy Reader article 5/4/95  
Jim Russi

Easy Reader article 4/23/95.L.A. Times 1996. LA Magazine 1996  
Peter MCollum  
LA Magazine article 1996  
Teresa Gamboa  
Paul Hugaboom  
Kelly Logan

*SURFER MAG 1991  
PEOPLE WHO SURF  
FRANK FERRARA*

*Thanks  
Heidi Negin*

20 carl marsch



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 15 Torrance, California 90505  
 Telephone: (310) 378-8533  
 16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,

27 Plaintiffs,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF CARL MARSCH  
 IN SUPPORT OF PLAINTIFFS'  
 MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

18 I, Carl Marsch, declare as follows:

19 1. I am a long-time Southern California resident. I grew up in  
20 Redondo Beach, California, and currently reside in San Pedro, California,  
21 which is about 11 miles from Lunada Bay. I have lived in San Pedro for the  
22 past 25 years. I have personal knowledge of the matters stated in this  
23 declaration and, if called as a witness, could and would testify competently  
24 as to its contents.

25 2. I started surfing in 1959, before the sport was as popular as it is  
26 today. At that time, Lunada Bay was open to anyone who wanted to surf.  
27 Lunada Bay was a mecca for wonderful waves in the winter. Whereas other  
28 locations like Hermosa Beach might only get swells as high as 6 or 7 feet,  
Lunada Bay could get waves as high as 10 to 12 feet. I surfed in the area  
routinely, enjoying its pristine beauty and powerful waves.

3. In the winter of 1995, I was verbally assaulted by one of the

1 locals when I attempted to surf at Lunada Bay. I was about 52 years old at  
2 the time and had paddled out into the ocean to catch a few waves. I was  
3 waiting "outside of the line-up," which means that I was not in position to  
4 catch the next wave. The line-up is where surfers sit and wait for the next  
5 set of waves to begin to break. The larger the wave, the farther out it will  
6 break. As I waited patiently outside of the line-up for one of the larger  
7 waves, a man in his 20s from Lunada Bay paddled up and began verbally  
8 harassing me for no reason. He told me, "You belong at the Cove with the  
9 slow waves," and yelled at me to "Get the fuck out of here." I tried to ignore  
10 the man, but he persisted in verbally attacking me. The man then  
11 threatened me, saying "I'm not going to kick your ass because you're too  
12 old." At that point, fearing for my safety, I exited the water.

13 4. I was so angry when I got out of the water that I climbed the trail  
14 closest to the water, rather than using the standard trail which allows for a  
15 much safer ascent. Even though the nearest trail is steeper and much more  
16 treacherous than the standard trail, I wanted to leave the area as quickly as  
17 possible because I felt threatened. Not surprisingly, I almost injured myself  
18 when trying to climb up the steep trail while carrying my long board.

19 5. I have not returned to surf at Lunada Bay since the verbal  
20 assault in 1995. The men at Lunada Bay showed such disregard for the  
21 safety of other surfers, both in and out of the water, that I no longer felt safe  
22 surfing there.

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1           6. I would love to see Lunada Bay opened up to the public again,  
2 where people could enjoy the beach and surf freely without fear of verbal or  
3 physical attack. That is how Lunada Bay used to be back in the 1960s, and  
4 I would like to see it go back to that again. If it were safe to visit, I would  
5 likely visit at least two to three times per year. But unless I could be assured  
6 that the harassment and intimidation would stop, it is unlikely that I will ever  
7 return to Lunada Bay to surf again.

8           I declare under penalty of perjury under the laws of the United States  
9 of America that the foregoing is true and correct.

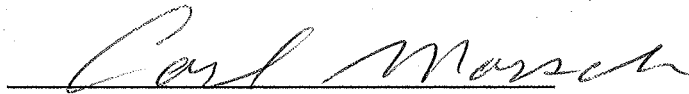
10          Executed in San Pedro, California on December \_\_, 2016.

11  
12 \_\_\_\_\_  
13 CARL MARSCH  
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9 of America that the foregoing is true and correct.

10          Executed in San Pedro, California on December 28 2016.

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13          CARL MARSCH  
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